

# EXHIBIT H

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK**

G.F.F., *et al.*,

*Petitioners–Plaintiffs,*

v.

DONALD J. TRUMP, in his official capacity as  
President of the United States, *et al.*,

*Respondents–Defendants.*

Case No. 1:25-cv-02886

**DECLARATION OF OSCAR SARABIA ROMAN**

I, Oscar Sarabia Roman, declare as follows:

1. I am over eighteen years of age and am competent to make this declaration.
2. I am a lawyer at the American Civil Liberties Union Immigrants’ Rights Project. I represent the Petitioners in this case.
3. Attached hereto as exhibits are true and correct copies of the following:

**Exhibit Document**

1. “Alien Enemy Validation Guide,” “Verification of Removal,” and “Notice and Warrant of Apprehension and Removal Under the Alien Enemies Act” Transcription.
2. Dep’t of Homeland Sec., Homeland Sec. Investigations, Assessment Report of Analysis (HSI-CHI-24-455).
3. Dep’t of Homeland Sec., U.S. Border Patrol, Situational Awareness: TDA Gang Recognition Indicators (Oct. 2, 2023).
4. Syra Ortiz Blanes, Veronica Egui Brito & Claire Healy, *Trump Sent These Venezuelans to El Salvador Mega Prison. Their Families Deny Gang Ties*, Miami Herald (Mar. 18, 2025), available at <https://www.miamiherald.com/news/local/immigration/article302251339.html>.
5. Veronica Egui Brito, *Despite Refugee Status in the U.S., Young Venezuelan Was Deported to Salvadoran Prison*, Miami Herald (Mar. 21, 2025), available at <https://www.miamiherald.com/news/local/immigration/article302464134.html>.

6. Patrick J. McDonnell et al., *They Were Called Gang Members and Deported. Families Say Their Only Crime Was Having Tattoos*, L.A. Times (Mar. 23, 2025), available at <https://www.latimes.com/world-nation/story/2025-03-23/deportation-trump-venezuelans-el-salvador>.
7. Carla Gloria Colome & Florantonia Singer, *Arturo and Frizgeralth, Convicted for Being Venezuelans: Trump Takes Another Step in His Racist Drift*, El Pais (Mar. 24, 2025), available at <https://english.elpais.com/international/2025-03-24/arturo-and-frizgeralth-convicted-for-being-venezuelans-trump-takes-another-step-in-his-racist-drift.html>.
8. Arelis R. Hernandez & Maria Luisa Paul, *They Were Arrested During Routine ICE Check-Ins. Then They Were Disappeared*, Wash. Post (Mar. 22, 2025), available at <https://www.washingtonpost.com/immigration/2025/03/22/trump-venezuela-migrants-el-salvador/>.
9. Syra Ortiz Blanes & Veronica Egui Brito, *U.S. Sent Venezuelan Man with Pending Political Asylum Case to El Salvador Mega Prison*, Miami Herald (Mar. 27, 2025), available at <https://www.miamiherald.com/news/local/immigration/article302671624.html>.
10. Noah Lanard & Isabela Dias, *You're Here Because of Your Tattoos*, Mother Jones (Mar. 26, 2025), available at <https://www.motherjones.com/politics/2025/03/trump-el-salvador-venezuela-deportation-prison-cecot-bukele/>.
11. Tom Phillips & Clavel Rangel, *Deported Because of His Tattoos: Has the US Targeted Venezuelans for Their Body Art?*, Guardian (Mar. 20, 2025), available at <https://www.theguardian.com/us-news/2025/mar/20/deported-because-of-his-tattoos-has-the-us-targeted-venezuelans-for-their-body-art>.
12. Charlie Savage & Julian E. Barnes, *Intelligence Assessment Said to Contradict Trump on Venezuelan Gang*, N.Y. Times (Mar. 22, 2025), available at <https://www.nytimes.com/2025/03/20/us/politics/intelligence-trump-venezuelan-gang-alien-enemies.html>.
13. Nicole Acevedo, Deon J. Hampton & David Noriega, *Tattoos of Deported Venezuelans Don't Necessarily Signal Gang Affiliation, Experts Say*, NBC News (Mar. 21, 2025), available at <https://www.nbcnews.com/news/latino/tattoos-deported-venezuelans-not-necessarily-gang-members-rcna19708>.
14. Julie Turjewitz, Jazmine Ulloa, Isayen Herrera, Hamed Aleaziz & Zolan Kanno-Youngs, *'Alien Enemies' or Innocent Men? Inside Trump's Rushed Effort to Deport 238 Migrants*, N.Y. Times (Apr. 15, 2025), available at <https://www.nytimes.com/2025/04/15/world/americas/trump-migrants-deportations.html>.
15. Jonathan Blitzer, *The Makeup Artist Donald Trump Deported under the Alien Enemies Act*, New Yorker (Mar. 31, 2025), available at

<https://www.newyorker.com/news/annals-of-immigration/the-makeup-artist-donald-trump-deported-under-the-alien-enemies-act>.

16. *Most Deportees Had No Criminal Report in U.S.; Records Cast Doubt on White House Claim that Only Violent Men Were Sent to El Salvador*, L.A. Times (Apr. 10, 2025), available at <https://www.latimes.com/world-nation/story/2025-04-10/about-90-of-migrants-sent-to-el-salvador-lacked-u-s-criminal-record>.

I hereby declare under penalty of perjury of the laws of the United States that the foregoing is true and correct to the best of my knowledge and belief.

Executed on 17th of April, 2025, in San Francisco, California.

/s/ Oscar Sarabia Roman  
Oscar Sarabia Roman





# EXHIBIT 1

**ALIEN ENEMIES ACT:  
ALIEN ENEMY VALIDATION GUIDE**

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In the case of: \_\_\_\_\_ A-File No: \_\_\_\_\_

1. The person named above is fourteen years or older: ☐
2. The person named above is not a citizen or lawful permanent resident of the United States: ☐
3. The person named above is a citizen of Venezuela: ☐

*If any of these three requirements are not satisfied, the person named above shall not be ordered removed under the Alien Enemies Act (AEA). In such a case, you should consult your supervisor and the Office of the Principal Legal Advisor (OPLA), U.S. Immigration and Customs Enforcement, and, where applicable, initiate removal proceedings under the Immigration and Nationality Act (INA).*

4. The person named above is validated as a member of Tren de Aragua (TDA), as determined by reference to the following evaluation form:

**Instructions:** *Complete the following validation evaluation form for each suspected alien targeted for removal under the AEA, or, following apprehension, for each alien potentially subject to an AEA removal.*

*After accounting for the two comments below, aliens scoring 8 points and higher are validated as members of TDA; you should proceed with issuing Form AEA-21B, titled, "Notice and Warrant of Apprehension and Removal under the Alien Enemies Act." Aliens scoring 6 or 7 points may be validated as members of TDA; you should consult with a supervisor and OPLA, reviewing the totality of the facts, before making that determination; if you determine an alien should not be validated at this time as a member of TDA, when available, you should initiate removal proceedings under the INA. Alien scoring 5 points or less should not be validated at this time as member of TDA; when available, you should initiate removal proceedings under the INA.<sup>1</sup>*

*Comment 1: Even if 8 points or higher, if all tallied points for an alien are from the Symbolism and/or Association categories (with no points scoring in any other category), consult your supervisor and OPLA before determining whether to validate the alien as a member of TDA (and proceed with an AEA removal) or initiate INA removal proceedings.*

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<sup>1</sup> A tally of 5 points or less, or any decision to initiate INA removal proceedings, is not a finding that an alien is *not* an Alien Enemy. Relatedly, at any time, additional information may come to light that gives reason to revisit a prior decision to forego an AEA removal.

*Comment 2: For purposes of validating an alien as a member of TDA, at least one scoring category must involve conduct occurring, or information received, within the past five years.*

Valuation Explanation			
Category	Definition Explanation	Points	
<b>Judicial Outcomes and Official Documents</b>	a. Subject has been convicted of violating Title 18, United States Code, Section 521 or any other federal or state law criminalizing or imposing civil penalties for activity related to TDA	<b>10</b>	
	b. Court records (e.g., indictments, criminal complaints, sentencing memorandums) identifying the subject as a member of TDA, describing specific activity of TDA	<b>5</b>	
<b>Self-Admission</b>	a. Subject self-identifies as a member or associate of TDA verbally or in writing to law enforcement officer, even if that self identification to a law enforcement officer is unwitting, e.g., through lawful interception of communications.	<b>10</b>	
<b>Criminal Conduct and Information</b>	a. Subject participates in criminal activity (e.g., narcotics trafficking, human smuggling, etc.) with other members of TDA, including preparatory meetings and significant incidents directly attributed to TDA	<b>6</b>	
	b. Law enforcement or intelligence reporting identifying subject as a member of TDA, to include Bureau of Prisons validations and reliable foreign partner information.	<b>4</b>	
	c. Credible testimonies/statements from victims, community members, or informants that affirm the subject's membership in or allegiance to TDA.	<b>3</b>	
	d. Detailed open-source media (e.g., newspapers, investigative journalism reports) that describe arrest, prosecution, or operations of a subject as a member of TDA	<b>2</b>	
	e. Subject conducts and/or facilitates business with TDA (e.g., money laundering, mule, service provider)	<b>2</b>	
<b>Documents and Communications</b>	a. Written or electronic communications (e.g., e-mails, letters, texts, secure messages) that discuss business with, and/or are communicating with, known members of TDA; cell phone data contains multiple group, organizational, or organization leaders' or members' information.	<b>6</b>	
	b. Subject conducts phone calls about the business of TDA with known members of TDA	<b>10</b>	
	c. Financial transactions indicating criminal activity for TDA or with known members of TDA	<b>3</b>	
	d. Subject possesses written rules, constitution, membership certificates, bylaws, etc., indicating, together with other conduct, membership of or allegiance to TDA	<b>6</b>	
<b>Symbolism</b>	a. Subject has tattoos denoting membership/loyalty to TDA	<b>4</b>	
	b. Social media posts by the subject displaying symbols of TDA or depicting activity with other known members of TDA	<b>2</b>	
	c. Subject observed tagging or graffitiing to mark the territory of, and the subject's allegiance to, TDA	<b>2</b>	
	d. Subject observed displaying hand signs used by TDA	<b>2</b>	
	e. Subject displays insignia, logos, notations, drawings, or dress known to indicate allegiance to TDA, as observed by law enforcement in person or via virtual mediums	<b>4</b>	

<b>Association</b>	a. Surveillance documentation that a subject is frequently observed closely associating with known leaders and members of TDA	<b>2</b>	
	b. Subject part of group photos with two or more known members of TDA	<b>2</b>	
	c. Subject presently resides with known members of TDA	<b>2</b>	
			<b>Total Points</b>

### **VALIDATION DETERMINATION**

*Note: If any of the four requirements are not satisfied, do not complete this validation determination.*

Based on the validation guide and instructions above, including Comments 1 and 2, I find that the person named above, \_\_\_\_\_:

1. Is fourteen years or older;
2. Is not a citizen or lawful permanent resident of the United States;
3. Is a citizen of Venezuela; and
4. Is a member of Tren de Aragua.

Accordingly, the above-named person is validated as an Alien Enemy.

\_\_\_\_\_  
*Name of Agent/officer  
 completing the form*

\_\_\_\_\_  
*Signature of agent/officer  
 completing the form*

\_\_\_\_\_  
*Date*

\_\_\_\_\_  
*Name of Supervisor*

\_\_\_\_\_  
*Signature of Supervisor*

\_\_\_\_\_  
*Date*

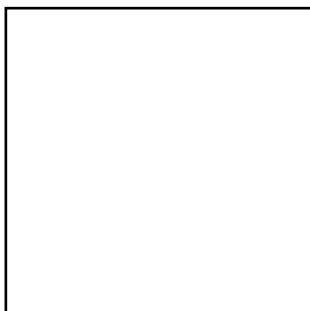
**VERIFICATION OF REMOVAL**

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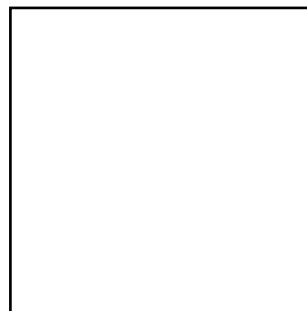
A-number \_\_\_\_\_ Date: \_\_\_\_\_

Alien Enemy's name: \_\_\_\_\_

Departure Date	Port of Departure	Manner of Departure
Signature of Verifying Officer		Title of Officer



**Photograph of alien removed**



**Right index fingerprint of alien removed**

\_\_\_\_\_  
(Signature of alien whose fingerprint and  
Photograph appear above)

\_\_\_\_\_  
(Signature of official taking fingerprint)

**NOTICE AND WARRANT OF APPREHENSION AND REMOVAL  
UNDER THE ALIEN ENEMIES ACT**

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A-File No. \_\_\_\_\_ Date: \_\_\_\_\_

In the Matter of: \_\_\_\_\_

Date of Birth: \_\_\_\_\_ Sex:      Male      Female

**Warrant of Apprehension and Removal**

To any authorized law enforcement officer:

The President has found that Tren de Aragua is perpetrating, attempting, or threatening an invasion or predatory incursion against the territory of the United States, and that Tren de Aragua members are thus Alien Enemies removable under Title 50, United States Code, Section 21.

\_\_\_\_\_ has been determined to be: (1) at least fourteen years of  
(Full Name of Alien Enemy)  
age; (2) not a citizen or lawful permanent resident of the United States; (3) a citizen of Venezuela; and (4) a member of Tren de Aragua. Accordingly, he or she has been determined to be an Alien Enemy and, under Title 50, United States Code, Section 21, he or she shall immediately be apprehended, restrained, and removed from the United States pursuant to this Warrant of Apprehension and Removal.

**Signature of Supervisory Officer:** \_\_\_\_\_

**Title of Officer:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**Notice to Alien Enemy**

I am a law enforcement officer authorized to apprehend, restrain, and remove Alien Enemies. You have been determined to be at least fourteen years of age; not a citizen or lawful permanent resident of the United States; a citizen of Venezuela; and a member of Tren de Aragua. Accordingly, you have been determined to be an Alien Enemy subject to apprehension, restraint, and removal from the United States. You are not entitled to a hearing, appeal, or judicial review of this notice and warrant of apprehension and removal. Until you are removed from the United States, you will remain detained under Title 40, United States Code, Section 21. Any statements you make now or while you are in custody may be used against you in any administrative or criminal proceeding. This is not a removal under the Immigration and Nationality Act.

After being removed from the United States, you must request and obtain permission from the Secretary of Homeland Security to enter or attempt to enter the United States at any time. Should you enter or attempt to enter the United States without receiving such permission, you will be subject to immediate removal and may be subject to criminal prosecution and imprisonment.

Signature of alien: \_\_\_\_\_ Date: \_\_\_\_\_

**CERTIFICATE OF SERVICE**

# EXHIBIT 2



# Homeland Security Investigations

HSI-CHI-24-455



## WHAT IS TREN DE ARAGUA?

Tren de Aragua (TdA) is a transnational criminal organization that began as a labor union working in Venezuelan rail yards in the mid-to-late 2000s. TdA rapidly evolved into a gang that specializes in human trafficking, extreme violence, and extortion in the Aragua State of Venezuela. The foundation of the gang and its leadership is based in Venezuelan prisons but has expanded into Mexico, Brazil, Ecuador, Peru, Chile, Costa Rica, Panama, Colombia, Guatemala, and Bolivia. The gang is swiftly growing and ramping up recruiting measures to strengthen its presence in the United States. TdA is headed by Héctor Rusthenford Guerrero Flores aka "Nino Guerrero"—his current whereabouts are unknown.

## EXPANSION AND CRIMINAL INVOLVEMENT

TdA has continuously made efforts to expand its criminal enterprise into other countries. There are three major steps that are part of its expansion process:

1. **Exploration Phase:** TdA members arrive to a new area via border crossings, migration routes, hotspots, or urban areas with notable Venezuelan populations. TdA members exploit migrants and maintain a low profile while conducting illicit activities.
2. **Penetration Phase:** TdA members enter local criminal economies with low barriers to entry.
3. **Consolidation Phase:** TdA establishes roots in criminal economies, sets up a financial base, and builds criminal structures needed to maintain their illicit activities. This phase usually involves money laundering.

As depicted by a July 2023 InSight crime report (see map to the right), TdA has been involved in a variety of crimes while operating in South America.

More recently, the organization has shifted its focus to establish a presence in the United States. Open source information indicates that TdA members are present in California, Illinois, Florida, New York, Nevada, and Texas and that suspected TdA members may be involved in a variety of crimes to include kidnapping, human trafficking, sex trafficking, organized retail crime, robberies, and document fraud.

### Tren de Aragua's Regional Presence and Criminal Economies (2023)





## Homeland Security Investigations

HSI-CHI-24-455



## DETECTING AND IDENTIFYING

Open source material has depicted TdA members with a combination of the below tattoos:

**"Jump Man" Symbol****AK-47s****Trains****Crowns****"Hijos de Dios" Quote****"Real Hasta La Muerte" Quote****Stars****Clocks****Skull with Gas Mask**

## ADDITIONAL IDENTIFIERS

Homeland Security Investigations, Chicago Field Office, has obtained additional information to help identify TdA members:

- Typically males in the age range of 18-25 years old;
- Dressed in high-end urban street wear;
- Favor the Chicago Bulls <sup>USPER</sup> basketball jersey, specifically Michael Jordan <sup>USPER</sup> jerseys with the number "23", and Jordan "Jump Man" footwear/sneakers; and / or
- Often wear sports attire from U.S. professional sports teams with Venezuelan nationals on them.

*This product contains U.S. person information that has been deemed necessary for the intended recipient to understand, assess, or act on the information provided. It has been highlighted in this document with the label <sup>USPER</sup> and should be handled in accordance with the recipient's intelligence oversight/information handling procedures. U.S. person information should be protected in accordance with constitutional requirements and all federal and state privacy and civil liberties laws.*

*This is a Homeland Security Investigations (HSI), Chicago Field Division document. For any questions related to this report or to provide additional information, please contact HSI Chicago at (630) 458-7400 or [HSIChicagoIntake@hsi.dhs.gov](mailto:HSIChicagoIntake@hsi.dhs.gov).*

# EXHIBIT 3



UNCLASSIFIED//FOR OFFICIAL USE ONLY/LAW ENFORCEMENT SENSITIVE

U.S. DEPARTMENT OF HOMELAND SECURITY  
U.S. CUSTOMS AND BORDER PROTECTION

U.S. BORDER PATROL

EL PASO SECTOR

THIS INFORMATION WAS PROVIDED BY CBP AND MAY CONTAIN INFORMATION FROM ANOTHER AGENCY. ANY DISCLOSURE OF THIS INFORMATION OUTSIDE OF CBP MAY CONSTITUTE A VIOLATION OF THE THIRD AGENCY RULE. RELEASING ANY INFORMATION TO ANY ENTITY OUTSIDE OF CBP IS STRICTLY PROHIBITED.

## Situational Awareness

DATE: 10/02/2023

### TDA Gang Recognition Indicators

(U//FOUO/LES) The El Paso Sector (EPT) Intelligence Unit (SIU) HUMINT-Gang Unit continues to see migrants from Venezuela with confirmed and suspected links to the Tren de Aragua (TDA) gang.

(U//FOUO/LES) Intelligence collections have identified the below tattoos on subjects; indicative of possibly being a member or associate of the TDA.

AK-47



Gas Mask/Real Hasta la Muerte



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UNCLASSIFIED//FOR OFFICIAL USE ONLY/LAW ENFORCEMENT SENSITIVE

Stars on the Shoulders:



Trains:



Ismalito:



(U//FOUO/LES) EPT HUMINT-Gang Unit collections determined that the Chicago Bulls attire, clocks, and rose tattoos are typically related to the Venezuelan culture and not a definite indicator of being a member or associate of the TDA.

(U//FOUO/LES) Agents are reminded to remain cognizant of their surroundings at all times and maintain a high level of situational awareness when dealing with subjects with TDA indicators.

This product was prepared by the El Paso Sector Intelligence and Operations Center.  
Comments and/or questions may be directed to the El Paso Sector Intelligence HUMINT-GANG Unit [EPT\\_SIU\\_HUMINT@cbp.dhs.gov](mailto:EPT_SIU_HUMINT@cbp.dhs.gov).

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# EXHIBIT 4

# Trump sent these Venezuelans to El Salvador mega prison. Their families deny gang ties.

[miamiherald.com/news/local/immigration/article302251339.html](https://miamiherald.com/news/local/immigration/article302251339.html)

Syra Ortiz Blanes, Verónica Egui Brito, Claire Healy

March 18, 2025

## Immigration

By Syra Ortiz Blanes,

Verónica Egui Brito and

Claire Healy.

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Watch the latest video shared today on President Nayib Bukele's X account, showing over 200 Venezuelan migrants—that the federal government is linking to Tren de Aragua —arriving in El Salvador and being transferred to the country's mega prison. The footage documents their arrival and transfer to the country's notorious prison. U.S. Secretary of State Marco Rubio and President Bukele have both confirmed the deportation flights. By El Salvador Presidential Press Office

The day after he was arrested while working at a restaurant in Texas, Mervin Jose Yamarte Fernandez climbed out of a plane in shackles in El Salvador, bound for the largest mega-prison in Latin America.

His sister, Jare, recognized him in a video shared on social media. As masked guards shaved detainees' heads and led them into cells at the maximum-security complex, Yamarte Fernandez turned his gaze slowly to the camera.

## TOP VIDEOS

“He was asking for help. And that help didn’t come from the lips. It came from the soul,” said Jare, who asked to be identified by her nickname because she fears for her family’s safety and who added her brother has no previous criminal record. “You know when someone has their soul broken.”

[READ MORE: Trump deports hundreds of alleged Venezuelan gang members. Did he defy a court order?](#)

Yamarte Fernandez, 29, is among 238 Venezuelans the Trump administration accused of being gang members without providing public evidence and sent over the weekend to El Salvador’s Terrorist Confinement Center, a prison about 45 miles from the capital designed to hold up to 40,000 people as part of a crackdown on gangs. They will be jailed for at least one year, El Salvador’s President Nayib Bukele said in a [statement](#) on X, following a deal brokered between the two countries in February.





Mervin Jose Yamarte Fernandez, 29, is one of Venezuelans accused by the Trump administration of gang affiliation and sent over the weekend to El Salvador's Terrorist Confinement Center. His sister identified him in a video shared on social media by the Salvadoran government. "He shouldn't be imprisoned in El Salvador, let alone in a dangerous prison like the one where the Mara Salvatruchas are held," his sister told the Miami Herald. El Salvador Presidential Press Office

"These heinous monsters were extracted and removed to El Salvador where they will no longer be able to pose any threat to the American people," White House Press Secretary Karoline Leavitt said.

But families of three men who appear to have been deported and imprisoned in El Salvador told the Miami Herald that their relatives have no gang affiliation – and two said their relatives had never been charged with a crime in the U.S. or elsewhere. One has been previously accused by the U.S. government of ties to the feared Tren de Aragua gang, but his family denies any connection.

Neither the Department of Homeland Security nor Immigration and Customs Enforcement responded to Miami Herald questions about what criteria was used to select detainees sent to El Salvador, what the plan is for detainees incarcerated abroad, and whether the government had defied a federal judge's orders to send them there.

Legal experts have taken the Trump administration to court over the deportations, arguing that the government illegally invoked an 18th century wartime law. On Saturday, a federal judge ordered the government to hold off on the deportations. The Justice Department has said in court filings that the judge's oral order to turn around the planes, after they had already departed, was not enforceable and suggested that the ruling was not applicable outside U.S. territory.



READ MORE: White House says it didn't defy court order on deportations as judge calls hearing

Hannah Flamm, an attorney and acting senior policy director at the International Refugee Assistance Project, a New York-based legal aid and advocacy group, said the Trump administration's use of wartime authorities to conduct deportations is "shocking." She described the weekend's deportations as part of a "campaign of mass deportations and evisceration of the rule of law."

"The Trump administration is pushing the limits to find out what it can get away with, both in the courts and in public opinion," she said.

Families of some of the men sent to El Salvador told the Herald that they feel powerless in the wake of the U.S. government's decision to ship their loved ones off to a prison in a foreign country without due process. For years, the prison has been the subject of investigations by reporters and advocates who have found thousands of innocent people have been jailed there without due process.

"He shouldn't be imprisoned in El Salvador, let alone in a dangerous prison like the one where the Mara Salvatruchas are held," said Jare, referring to the international criminal organization with roots in El Salvador. "There are many innocent people behind bars. And today, my brother is one of them."

Originally Yamarte Fernandez was hesitant to move to the United States, Jare said, but she convinced him to join her in Dallas County to provide a better life for his partner and daughter, who stayed back in their home state of Zulia. Jare said her brother did not have any tattoos because of their Christian upbringing. Tattoos have been used by the U.S. government in the past as an indication of gang affiliation, though experts say that Tren de Aragua members don't have any particular signs that identify their membership.

"I'm in so much pain," said Jare, who lives in Texas. "I never imagined this country would cause so much harm to my family."

### **'Irregular warfare'**

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On Saturday, President Donald Trump invoked the centuries old wartime law to allow his administration to arrest, relocate, and deport any Venezuelan citizens over the age of 14 who are Tren de Aragua members.

Best known for its role in interning Japanese immigrants during World War II, the Alien Enemies Act is a 1798 law that has been used only three times before – all during times of war. In his announcement of the order, Trump said that Tren de Aragua is invading the country.

“Evidence irrefutably demonstrates that TdA has invaded the United States and continues to invade, attempt to invade, and threaten to invade the country; perpetrated irregular warfare within the country; and used drug trafficking as a weapon against our citizens,” a statement from Trump said.

Anyone accused of being a member of the gang has no right to challenge the accusation under the Alien Enemies law, which grants the government the power to deport a person without due process or the opportunity to contest the claim. Before the proclamation, the American Civil Liberties Union filed a lawsuit against the U.S. government on behalf of five Venezuelans facing deportation.

The rights organization claimed the law cannot be used against nationals of Venezuela because the United States is not at war with Venezuela nor has Venezuela launched a predatory incursion into the United States. Attorneys said the five men, who were not among those deported on Saturday, had been wrongly identified as gang members and were seeking asylum. At least two of them fled Venezuela in part because Tren de Aragua was persecuting them, according to the lawsuit.

“J.A.V. is not and has never been a member of Tren de Aragua,” attorneys wrote about one of the plaintiffs. “He was in fact victimized by that group and the group is the reason he cannot return to Venezuela.”

Lee Gelernt, the ACLU’s lead counsel on the case, called the use of the Alien Enemies Act “flatly unlawful” in a statement to the Herald. But he said that even if it could be used, the individuals were entitled to due process to show they were not gang members.

“If these individuals are afforded due process it will then be determined whether they are members of the gang but we would caution hesitation before anybody takes at face value the Trump administration’s characterization given the administration’s frequent overstatement about immigrant detainees, including with respect to the individuals sent to Guantanamo over the past month,” said Gelernt.

**READ MORE: ‘Give us back our sons’: A look at the Venezuelan migrants Trump sent to Guantanamo**

A federal judge issued a ruling blocking the president from deporting the men on Saturday. He also broadened the order to apply to anyone who could be at risk of deportation under the executive order.

At the hearing, he ordered the Trump administration to return any flights that were in mid-air. Flight-tracking data shows that three flights landed after the judge blocked the executive order, according to the Washington Post.

“Oopsie... Too late,” Bukele wrote on X, a post that Secretary of State Marco Rubio later re-shared.

In Monday’s press briefing at the White House, Leavitt said the U.S. is paying \$6 million to El Salvador “for the detention of these foreign terrorists.” That same day during a court hearing, the federal judge questioned the Trump administration to determine whether it had violated Saturday’s injunction.

In an interview with Fox News, Rubio was asked about concerns regarding the lack of concrete evidence confirming that all the individuals deported to the Salvadoran prisons are indeed members of Tren de Aragua. He responded, “If one of them turns out not to be, then they’re just illegally in our country, and the Salvadorans can then deport them from — to Venezuela, but they weren’t supposed to be in our country to begin with.”

Flamm, the International Refugee Project lawyer, said the Trump administration was undermining its own ability to crack down on gangs by deporting the people it is in the midst of prosecuting. The federal government sent MS-13 members to El Salvador over the weekend too, including a top leader of the group who is a defendant in a prominent criminal case in New York

“The U.S. government has gone out of its way to prosecute on terrorism charges precisely in an effort to hold gang leaders to account. But the Trump administration clearly does not actually care about public safety or accountability,” she said.

### **‘Decision to leave’**

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Yamarte Fernandez had bought a house in a poor neighborhood in Maracaibo to live with his wife and 4-year-old daughter. But the house needed to be remodeled, the kitchen refurbished, the roof replaced.

He decided to travel to the U.S. to support his family at home and send back his earnings to fix up the house. He made the journey from Zulia to the U.S through the Darien Gap, the dangerous jungle between Panama and Colombia, with 13 other Venezuelans, including three other men from his neighborhood who were detained by ICE the same day he was. He arrived at the border in September 2023.



Mervin Jose Yamarte Fernandez, 29, is one of 238 Venezuelans accused by the Trump administration of gang affiliation and sent over the weekend to El Salvador's Terrorist Confinement Center. His sister



recognized him in a video shared on social media, where masked guards shaved the detainees' heads and escorted them into cells at the maximum-security facility. As the camera panned across the scene, Yamarte slowly turned his gaze toward it. Yamarte's family

But as the Trump Administration started its crackdown on illegal immigration – specifically targeting Venezuelans – Yamarte Fernandez and his family had already decided to self deport later this year.

“We had made the decision to leave the U.S. voluntarily to return to Venezuela,” Jare said. “I wanted to stay until December, but he was determined to leave in September.”

Jare said his brother was a hard worker determined to not burden the U.S. In videos where she recognized her brother in El Salvador, she identified two other men who had traveled with him from their neighborhood in Venezuela.

“We came to this country to work and do things right,” she said. “It’s painful that they blame my brother, and they portray him as a member of the Tren de Aragua. I don’t accept the bad reputation created around my brother.”

Yamarte Fernandez is one of seven siblings from a Christian family in Maracaibo, the capital of oil-rich state Zulia, bordering Colombia, according to his sister. Jare described him as a lifelong athlete who loved soccer and baseball and found ways to be active despite his challenging asthma.

“It’s a lie when they said that he was from the TdA. My brother doesn’t even have a tattoo,” his sister said, explaining that his family doesn’t believe in tattoos because of religious reasons.

### **‘Speaking to the devil’**

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On Monday, Venezuelan National Assembly President Jorge Rodríguez called on the legislature, controlled by Nicolás Maduro’s regime, to issue a formal request banning all Venezuelans from traveling to the U.S.

“In the United States, there is no rule of law when it comes to the rights of our migrants,” Rodríguez said during a press conference in Caracas. He also spoke about Venezuelans who were sent to the prison in El Salvador.

“We will go to great lengths, even if it means speaking to the devil, to ensure that Venezuelans are returned to their homeland,” he said.

Venezuelan opposition leader Edmundo Gonzalez, who is recognized by the U.S. and other democratic nations as the real winner of the presidential election held in Venezuela on July 28th, and Maria Corina Machado issued a statement Monday saying that the Tren de Aragua poses a significant “threat to the entire region.”

Machado and Gonzalez expressed support for the measures the U.S. is taking to identify, arrest and prosecute those involved with or supporting the gang. However, they stressed the need for authorities to exercise “extreme caution in administering justice.” They said it is crucial to distinguish between high-level criminals like Maduro and the vast majority of innocent Venezuelans, to prevent the unjust criminalization of Venezuelan migrants.

### **‘Wait for me’**

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Another family fears that their relative was also sent to prison in El Salvador, after he had spent several weeks awaiting deportation in Texas.

Gustavo Adolfo Aguilera Agüero, 27, is from the Venezuelan Andes in Táchira, an area bordering Colombia, and had been living in Dallas since December 2023 with his wife. The couple entered the United States using a now-defunct mobile application to schedule appointments with southwest border authorities. Aguilera Agüero’s wife soon found out she was five months pregnant with their first child. Her husband was working installing water pipes on rooftops and his wife found work taking care of children.

“It hasn’t been easy, but we came together to move ahead in life together,” said his wife, Susej, who asked to only use her first name because she fears for her safety.

In early February, authorities detained Aguilera Agüero while he was taking trash out of his home, his wife said. Authorities had been looking for someone else, she said, but he was taken to Bluebonnet Detention Facility in Anson, Texas.

Aguilera Agüero spent several weeks in detention waiting for a deportation to Venezuela, but his mother, Miriam Aguilera, now fears her son could be among the Venezuelans deported on Saturday to El Salvador instead. The family last heard from Aguilera Agüero on Friday night, when he told his mother he was being deported to Venezuela. A plane from Conviasa, Venezuelan airlines, was going to take him back to his country.

“Mom, we’re going to be deported to Venezuela. Wait for me,” Miriam Aguilera remembered her son telling her.





Gustavo Adolfo Aguilera Agüero, 27, from the Venezuelan Andes in Táchira, had been living in Dallas, Texas, with his wife since December 2023. In early February, Aguilera Agüero was detained by authorities while taking out the trash, according to his wife. Authorities were actually searching for someone else, but Aguilera Agüero spent several weeks in detention, awaiting deportation to Venezuela. Now, his mother, Miriam Aguilera, fears her son may be among the Venezuelans deported to El Salvador on Saturday instead. Aguilera's family

But by Sunday, no plane had arrived in Venezuela, and she saw the deportations to El Salvador on the news. She still doesn't know where he is – and has been scanning videos of the Terrorism Confinement Center in El Salvador looking for him.

Aguilera Agüero has an American-citizen son, Jacob, who is nine months old, and an older Venezuelan son, Santiago. His family denies that he has any connection with Tren de Aragua. According to his mother, her son's tattoos tell a story of love and loyalty: A crown, inked with the name of his first son, Santiago. A star intertwined with his name and his mother's name. Across one arm, the phrase "*Real hasta la muerte*" – "Real until death" – which was made famous by Puerto Rican reggaeton artist Anuel AA.

Public safety authorities in Texas have linked these tattoos to Tren de Aragua and officials are using them to identify suspected members.

"We were told he was arrested because of the tattoos on his neck and arms, but my son doesn't have a criminal record," Miriam Aguilera told the Herald.

One man whose relatives spoke with the Herald has previously faced accusations of gang ties from the Drug Enforcement Administration. His family insists he was wrongfully accused of gang involvement.

### **'Let us leave'**

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Henry Javier Vargas Lugo, 32, originally from La Guaira state on Venezuela's coast, had been living in Aurora, Colorado, for nearly a year when he was detained on Jan. 29, and he was later transported to Texas.



Before Vargas Lugo migrated to the U.S., he lived in Colombia for seven years, working as a mechanic in Bogotá. Seeking a fresh start, he decided to leave Colombia and try his luck in the United States.

Vargas Lugo entered the U.S. through El Paso, bringing his daughter and her mother with him. When U.S. Customs and Border Protection encountered him, they asked him to remove his shirt to document his tattoos. Officials inquired whether he was affiliated with a gang, including Tren de Aragua, and he denied any association, according to his sister, Nayrobis Vargas, who spoke with the Miami Herald. He has several tattoos, including crowns with his niece and mother's name, a clock on his arm and a rosary.



Henry Javier Vargas, 32, originally from Vargas state on Venezuela's coast, had been living in Aurora, Colorado, for nearly a year when he was detained on January 29. Prior to migrating to the U.S., Vargas spent seven years in Colombia, working as a mechanic in Bogotá. Vargas's family was able to identify him in a video posted by Salvadoran President Nayib Bukele, showing the detainees arriving in El Salvador. In the footage, his hands are shackled, and his head is bowed in a moment of despair Vargas's family

In Colorado he worked odd jobs, delivering food and shoveling snow, doing whatever it took to provide for his family, his family said.

He was arrested in Aurora on extortion charges connected to an incident that occurred on the light rail, officials confirmed. He was later released from jail pending an investigation, and his family says that he was the victim of a scam.

The Drug Enforcement Administration – which participated in the arrest – released a photo of Vargas Lugo, identifying him as a member of Tren de Aragua, but hasn't disclosed any evidence. He has yet to be sentenced with a crime.

Vargas Lugo's family was able to identify him in a video posted by Bukele of the detainees arriving in El Salvador. His hands are shackled and his head bowed.



Henry Javier Vargas, 32, originally from La Guaira state on Venezuela's coast, had been living in Colorado for nearly a year when a family member identified him in a video posted by Salvadoran President Nayib Bukele. The footage showed Vargas among the Venezuelans deported to El Salvador's largest mega-prison, the largest in Latin America. In the video, his hands are shackled, and his head is bowed in a moment of despair. El Salvador Presidential Press Office

"The families are devastated and terrified of what might happen to them," said one of his cousins in Venezuela. "I haven't eaten all day just thinking about what they're going through."

Yamarte Fernandez's family is still planning to self deport back to Venezuela. His sister said she does not "blame Trump" because she was "taught not to judge others." But she said that the president's decisions are "reaching extremes that are impacting innocent people."

“Let us leave, but let us leave in a good way,” said Jare, Yamarte Fernandez’s sister. “Not leaving from here and ending up in a prison.”

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Verónica Egui Brito ha profundizado en temas sociales apremiantes y de derechos humanos. Cubre noticias dentro de la vibrante ciudad de Hialeah y sus alrededores para el Nuevo Herald y el Miami Herald. Nacida y criada en Caracas, Venezuela. Se unió al Herald en 2022. Verónica Egui Brito has delved into pressing social, and human rights issues. She covers news within the vibrant city of Hialeah, and its surrounding areas for el Nuevo Herald, and the Miami Herald. Born and raised in Caracas, Venezuela. Joined the Herald in 2022.



SB

Syra Ortiz Blanes covers immigration for the Miami Herald and El Nuevo Herald. Previously, she was the Puerto Rico and Spanish Caribbean reporter for the Heralds through Report for America.

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# EXHIBIT 5



## IMMIGRATION

# Despite refugee status in the U.S., young Venezuelan was deported to Salvadoran prison

By Verónica Egui Brito

Updated March 21, 2025 5:34 PM



**Miami Herald**

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A screengrab from a video obtained from the El Salvador Presidential Press Office shows alleged members of the Venezuelan gang Tren de Aragua, deported by the U.S. government, detained at the Terrorism Confinement Center in Tecoluca, El Salvador, on March 16, 2025. *El Salvador Presidential Press Office*

E.M. and his girlfriend fled persecution in their native Venezuela in 2021 and dreamed of making a new life in the United States.

The young couple spend two years in Colombia before applying for refugee status in 2023 to come to the U.S. Struggling to survive in Colombia, they worked tirelessly in informal jobs, selling food on the streets and making deliveries to make ends meet.

On Jan. 8, after they were finally granted the coveted refugee status, E.M., 29, and his girlfriend, Daniela Palma, 30, finally arrived in the United States, flying into Houston.

Upon arrival, an immigration officer asked the young man the question that changed his life in moments.

“Do you have any tattoos?”

He had already been asked that by U.S. authorities in Colombia as part of an extensive background check, and he now gave the same answer. He lifted his shirt and pants and showed the immigration officer tattoos on his chest, legs and arms — a crown, a soccer ball and a palm tree.

At that point, it no longer mattered that he had no criminal record, and that he had been granted refugee status, with the full legal right to enter the United States. Immigration officials decided the tattoos were evidence enough to suspect he might be a member of Tren de Aragua, a prison-born Venezuelan gang whose members have earned a reputation in Latin America as fearless and ruthless.

E.M., whom the Miami Herald is not identifying by his full name for his safety in case he is forced to return to Venezuela, was detained. His girlfriend, threatened with detention for months herself, agreed to be deported back to Colombia.

E.M. spent the next couple of months in three different immigration detention centers in Texas, his girlfriend said.

On March 15, the Trump administration deported him, along with over 200 other Venezuelans, to El Salvador, where they were promptly imprisoned in a maximum-security facility with a troubling history of violating human rights and where men sleep hundreds to a cell on steel beds with no mattresses or pillows.



A screengrab from a video obtained from the El Salvador Presidential Press Office shows alleged members of the Venezuelan criminal organization Tren de Aragua, deported by the U.S. government, detained at the Terrorism Confinement Center in Tecoluca, El Salvador, on March 16, 2025. *El Salvador Presidential Press Office*

His girlfriend and his family suspected he had been sent to the fearsome prison, the *Centro de Confinamiento del Terrorismo* — Terrorism Confinement Center, known by its Spanish initials, CECOT. On Thursday, CBS News got its hands on the entire list of all Venezuelans sent to El Salvador. E.M.'s name was on it.



E.M. is not the only Venezuelan granted refugee status in the U.S. who was deported to El Salvador, the Herald has learned; another man, who was detained longer than E.M., shared the same fate. However, his family has chosen to remain anonymous to avoid jeopardizing his safety.

## Rebuilding their lives

E.M. fled his country in 2021 with his girlfriend to escape persecution they endured from the government. They had been targeted by authorities and *colectivos* — Venezuelan armed paramilitary groups — in their hometown, his girlfriend said, for exposing government shortcomings and for their efforts to help their local community.

The couple fled to Colombia, which shares a large — and porous — land border with Venezuela.

For the next three years, E.M. and Palma worked to rebuild their lives. E.M. mainly worked in deliveries, navigating the busy streets of Bogota to earn enough to support themselves while awaiting the results of their refugee status application.

They applied for refugee status – a protection granted to individuals who are unable or unwilling to return to their home country due to past persecution or a well-founded fear of future persecution – to enter the United States. They kept out of trouble — neither had a criminal record in Colombia or Venezuela, according to the Colombian National Police and the Venezuelan Ministry of the Interior and Justice.

The next 17 months were filled with background and criminal checks and countless interviews — by the United Nations High Commissioner for Refugees, the International Organization for Migration, and finally U.S. Citizenship and Immigration Services.

During their interview with the U.S. agency in September, an officer asked E.M. and his girlfriend if they had any tattoos. E.M. said he did, his girlfriend said. The

officer didn't raise any alarms, and the tattoos didn't appear to be an issue. After the thorough background checks, the couple was granted refugee status, their future seemingly secured. The dream of starting fresh in the U.S. appeared within reach.

## **The tattoo question**

At George Bush Intercontinental Airport in Houston, they were screened — and that's when an immigration officer again asked E.M. if he had any tattoos. The immigration officials in Houston said E.M.'s tattoos were similar to those seen on members of Tren de Aragua. That moment marked the beginning of the couple's troubles and separated them from each other, Palma said.

“It's unfair to criminalize every Venezuelan. Having a tattoo or being born in Aragua doesn't make you a member of a criminal gang,” Palma told the Herald. She described her boyfriend as a passionate about sports, especially soccer, a gentle man and an entrepreneur.

They had been together for five years, though they had known each other as kids growing up neighbors in a poor town in Aragua state, in central-west Venezuela.

Aragua state is where the infamous Tren de Aragua gang originated. The gang's roots trace back to the infamous Tocoron prison, where its leaders, many of whom were hardened criminals, began organizing and establishing their power.

E.M.'s tattoos were inked more than a decade ago when he was just a boy, E.M.'s uncle, Noel Guape, said.



Alleged members of the Venezuelan criminal organization Tren de Aragua, deported by the U.S. government, detained at the Terrorism Confinement Center in Tecoluca, El Salvador, on March 16, 2025. *El Salvador Presidential Press Office*

Law enforcement authorities in [Texas have linked tattoos to the Tren de Aragua gang](#), using them as a way to identify suspected members. However, experts have said that, unlike many other criminal gangs, TdA members don't have specific, identifiable tattoos.

E.M.'s family is now left in anguish, wondering if he's safe.

"He is the kind of person who illuminated a room just when he walked in," his uncle told the Herald. "He is the life of the party, always bringing laughter and warmth wherever he goes."

Catholic Charities of Dallas had been expecting to help E.M. and his girlfriend transition into life in the U.S. when they learned he had been detained and Palma had been deported.

"The refugee services that our organization provides do not have the power to influence arrival decisions or deportation processes," said Nadia Ahmad Daniali, the case manager in charge of reception and placement of the Venezuelan refugee couple.

During his last call from E.M. a week ago, he told his uncle he knew he was going to be deported. He didn't specify the destination, but the family assumed it would be Venezuela. But as the days passed without word from E.M., and his alien registration number disappeared from the online immigration system, his family panicked. They worried he had been sent to El Salvador, where he had no connections and where his life might be in danger.

Since last Friday E.M.'s family desperately had tried to contact the ICE detention centers where he had been last held in Texas, but no one had been willing to provide any information about his whereabouts. It wasn't until Thursday afternoon they found out he was on the list of the hundreds of Venezuelans sent to El Salvador.

## **'He is not a criminal'**

Several Venezuelans families have told the Herald their family members were deported to El Salvador [despite not having any criminal record in the U.S](#) or elsewhere.

Jerce Reyes Barrios, a professional soccer player from Venezuela, took part in peaceful demonstrations against the Nicolas Maduro regime in 2024. He was detained, tortured with electric shock shock and suffocation. When he was released he fled to the U.S. seeking protection.

Reyes' story was detailed in a court document filed by his attorney, Linette Tobin, in a federal court case in Washington, D.C., where the ACLU is challenging the deportations of the Venezuelans to El Salvador.

Reyes registered with CBP One, a mobile application developed by U.S. Customs and Border Protection that allowed migrants to schedule appointments at ports of entry along the U.S.-Mexico border.

Reyes used the app to secure an appointment and, on the day of his scheduled entry, he presented himself to CBP officials, but his tattoos raised alarms. He was detained and sent to the Otay Mesa Detention Center near San Diego. Despite

having no criminal record in Venezuela, no links to gangs and no history of violence, Reyes was treated as a criminal, his lawyer said.

After applying for asylum in December 2024, he was deported to El Salvador last week without any notice to his lawyer or family, his attorney said. His loved ones were left in the dark, wondering what had become of him.

Reyes and E.M. were deported with another 236 Venezuelans the same day the Trump administration invoked the Alien Enemies Act, an 18th Century law that had been used only three times in history — all during times of war or invasion. Under the law, Trump asserted the power to arrest, relocate or deport any Venezuelan over 14 from what the U.S. considers an “an invasion.”

The law strips individuals accused of gang membership, like Reyes and E.M., of their right to challenge the accusation. The government maintains it can deport them without due process.

“My boyfriend is not defined by a tattoo or his birthplace. We want justice for him,” Palma said. “We are going to prove he is not a criminal.”

This story was originally published March 21, 2025 at 5:00 PM.

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March 18, 2025 5:30 AM



**Verónica Egui Brito**

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Verónica Egui Brito ha profundizado en temas sociales apremiantes y de derechos humanos. Cubre noticias dentro de la vibrante ciudad de Hialeah y sus alrededores para el Nuevo Herald y el Miami Herald. Nacida y criada en Caracas, Venezuela. Se unió al Herald en 2022. Verónica Egui Brito has delved into pressing social,

# EXHIBIT 6





WORLD &amp; NATION

## They were called gang members and deported. Families say their only crime was having tattoos



Venezuelan Vice President Delcy Rodríguez, center, attends a rally Tuesday in Caracas to protest the imprisonment of Venezuelans in a Salvadorean jail. Hundreds of people marched through the capital to demand the release and repatriation of 238 Venezuelans sent by President Trump to a prison in El Salvador, accused of links to the El Tren de Aragua criminal gang. (Juan Barreto / Getty Images)

By Patrick J. McDonnell, Kate Linthicum, Mery Mogollon and Nelson Rauda

March 23, 2025 3 AM PT

- Relatives of a Venezuelan deported to El Salvador say his tattoo isn't a sign of gang membership. It supports his favorite soccer team.
- "The United States now has a tropical gulag," says one expert of the Trump administration's agreement with El Salvador to imprison deportees.

SAN SALVADOR — One is a former professional soccer player who, according to his lawyer, fled Venezuela after being tortured by the country's authoritarian government.

The other, also from Venezuela, is a onetime shoe salesman and social media influencer who documented his journey from South America on TikTok.

Both were apparently among thousands of political asylum aspirants who entered the United States from Mexico legally via an immigration process scrapped by the Trump administration.

Both were detained, one in California, and deported. Now they are imprisoned in El Salvador, according to their families, who have been left in the dark about their fates in a penal system widely condemned for human rights abuses.

"This has been a torture for us, an injustice," said Antonia Cristina Barrios de Reyes, mother of Jerce Egbunik Reyes Barrios, 36, the former professional goalkeeper. "My son is not a criminal."





Jerce Egbunik Reyes Barrios, a former professional soccer player from Venezuela, was among the alleged gang members deported from the United States to El Salvador. “My son is not a criminal,” his mother said. (Family of Jerce Reyes)

The social media influencer is Nolberto Rafael Aguilar Rodríguez, 32. He initially fled to Colombia, Venezuela’s western neighbor, out of desperation, said his sister, Jennifer Aguilar.

“We’re *campesinos*, we come from the fields,” she said. “We left Venezuela because we were starving.”



WORLD & NATION

### Stranded in Mexico City, these migrants hoping to reach the United States have no good options

Jan. 26, 2025

Reyes Barrios and Aguilar were among 261 people — the vast majority Venezuelans — expelled to El Salvador last week after the Trump administration alleged that most were affiliated with the Venezuela-based [Tren de Aragua](#) gang, which President Trump has declared a terrorist group.

The evidence of gang membership cited by the government is typically flimsy to nonexistent, defense lawyers allege, and largely based on tattoos and social media postings.

Experts say the administration’s outsourcing of detained migrants to a nation with an infamously repressive prison system has no precedent.

In El Salvador, “the United States now has a tropical gulag,” said Regina Bateson, a political scientist at the University of Colorado Boulder. “The notion that the U.S. government is paying millions of dollars to another government to violate these people’s rights is horrifying.”



WORLD &amp; NATION

## This French film about Mexico has 13 Oscar nominations. Why ‘Emilia Pérez’ is tanking in Mexico

Feb. 1, 2025

The El Salvador operation is part of a deal between the Trump administration and [Salvadoran President Nayib Bukele](#). Advocates have filed a federal lawsuit challenging Trump’s use of the Alien Enemies Act — a statute from 1798 previously only invoked during wartime — to expel most of the alleged Venezuelan gang members.

ADVERTISEMENT

On Friday, a federal judge in Washington, D.C., vowed to “get to the bottom” of whether the Trump administration [defied his order](#) to hold off on the deportations while lawsuits challenging the expulsions played out in court.

Many relatives of the deportees deny their kin have gang ties or a criminal record, saying they were simply searching for better lives or escaping persecution in their turbulent homeland, part of the exodus that has seen millions flee Venezuela.

“We have no idea what’s going to happen to Jerce,” said Jair Barrios, uncle of the soccer player. “We understand and respect the laws of each country; but at the same time, we ask that, please, let justice be done and truly innocent people be released.”

Reyes Barrios was detained at the Otay Mesa border post in California in September, according to a statement from his attorney, Linette Tobin, when he appeared for his appointment under the Biden administration program known as CBP One, which [facilitated U.S. entry](#) for prospective asylum applicants and others.

According to Tobin, he was mistakenly accused of Tren de Aragua affiliation based on an arm tattoo and a social media post in which he made a hand gesture that U.S. authorities called a gang sign.

The tattoo — a crown atop a soccer ball, with a rosary and the word “Díos” — is actually an homage to his favorite team, Real Madrid, Tobin wrote. The hand gesture is a popular sign language rendering of “I Love You,” the lawyer added.

Reyes Barrios participated in antigovernment demonstrations in Venezuela in February and March 2024, Tobin wrote, and was subsequently arrested and tortured, enduring electric shocks and suffocation. After his release, he fled for the United States and registered for CBP One while in Mexico.

Tobin portrayed Reyes Barrios as a law-abiding person who had never been charged with a crime and wrote that he had “a steady employment record as a soccer player, as well as a soccer coach for children and youth.”

Once in custody in California, Tobin wrote, Reyes Barrios applied for political asylum and other relief. A hearing had been set for April 17 at immigration court in Otay Mesa.

Reyes Barrios was deported to El Salvador on March 15.

Tricia McLaughlin, assistant secretary for the Department of Homeland Security, defended the government action.



Reyes Barrios was “not only in the United States illegally,” McLaughlin wrote on X, “but he has tattoos that are consistent with those indicating TdA [Tren de Aragua] membership. His own social media indicates he is a member of the vicious TdA gang.”

She added that “DHS intelligence assessments go beyond a single tattoo and we are confident in our findings.”

Reyes Barrios is a “respected person” in Venezuela, said his wife, Mariyen Araujo Sandoval, who has remained in Mexico with two of the couple’s four children.

“It’s unjust to criminalize someone because of a tattoo,” said Araujo, 32. She said she recognized her husband in the online videos of Venezuelans expelled to El Salvador.

Now dashed, she said, is her family’s dream of a reunion in the United States. She now hopes for a reunion in Venezuela — if her husband can ever get out of El Salvador.

“I’m too scared to even try to go to the United States,” said Araujo, who noted that she also has a tattoo, of a rose. “I’d be afraid that they would separate me from my daughters and put me in jail.”

The Venezuelans dispatched to El Salvador have no legal recourse for appeal or release, attorneys say, and may face indefinite detention.

“There is, of course, no law, rule or judicial standard in El Salvador to outsource the prisons,” said José Marinero, a Salvadoran lawyer. “These people have ... no conviction, no debt to the Salvadoran justice system.”

Their predicament, activists say, highlights the erosion of democracy across the region, as well as the dramatic crackdown on migration pushed by Washington.

“There’s no real safe haven left,” said Michael Ahn Paarlberg, a political scientist who studies Latin America at Virginia Commonwealth University.



An image provided by El Salvador's presidential press office shows prison guards overseeing deportees at a facility in Tecoluca on March 16. (Associated Press)

The Trump administration has acknowledged that many of those deported under the Alien Enemies Act have no criminal records in the United States. But the government says they may still pose a threat.

“We sent over 250 alien enemy members of Tren de Aragua, which El Salvador has agreed to hold in their very good jails at a fair price that will also save our taxpayer dollars,” Secretary of State Marco Rubio, who brokered the deal with Bukele, declared on X.



Critics say that Trump, like Bukele, invokes crime as an excuse for suspending civil liberties.

“They’re using these particularly vulnerable people as test cases,” said Paarlberg, who added that the message appears to be: “If we can deport people who don’t have criminal records, people who are fleeing a regime that pretty much everyone and the U.S. government agrees is authoritarian, then we can deport anyone.”

Bukele, a former advertising executive who labels himself “the world’s coolest dictator,” dispatched video crews to record the arrival of the Venezuelans, who were led off deportation planes in shackles and had their hair shorn.

“This is a performative act of cruelty ... to scare people into not coming, to scare people who are here without papers, to scare people away from protesting,” Paarlberg said.

News of the deportations has sent relatives of the expelled Venezuelans poring over videos and social media posts in an effort to determine if their loved ones were among those flown to El Salvador.



A photo provided by El Salvador's presidential press office shows prison guards transferring deportees from the U.S. to the Terrorism Confinement Center in Tecoluca on March 16. (Associated Press)

The names of the deported Venezuelans appeared on a list leaked to the media. Included was Aguilar, who garnered more than 40,000 followers as he documented his northbound trek from South America on TikTok. His feed included images from the treacherous Darien Gap, the dense jungle separating Colombia and Panama.

Jennifer Aguilar described her brother as a hard-working family man who fled Venezuela for Colombia in 2013. He has three children: an 11-year-old girl in Venezuela and a 4-year-old girl and boy, 2, in Colombia. Aguilar's sister says he got his tattoo, of playing cards and dice, to cover up a scar on his forearm from an accident he had at age 16.



Nolberto Rafael Aguilar Rodríguez, 32, is one of hundreds of Venezuelan migrants detained in the U.S. and sent to El Salvador. (Jennifer Aguilar)

According to his sister, Aguilar made his way to Mexico and secured an appointment for U.S. entry via [CBP One](#). On June 24, he posted a video of himself boarding a plane, apparently en route to the U.S.-Mexican border.

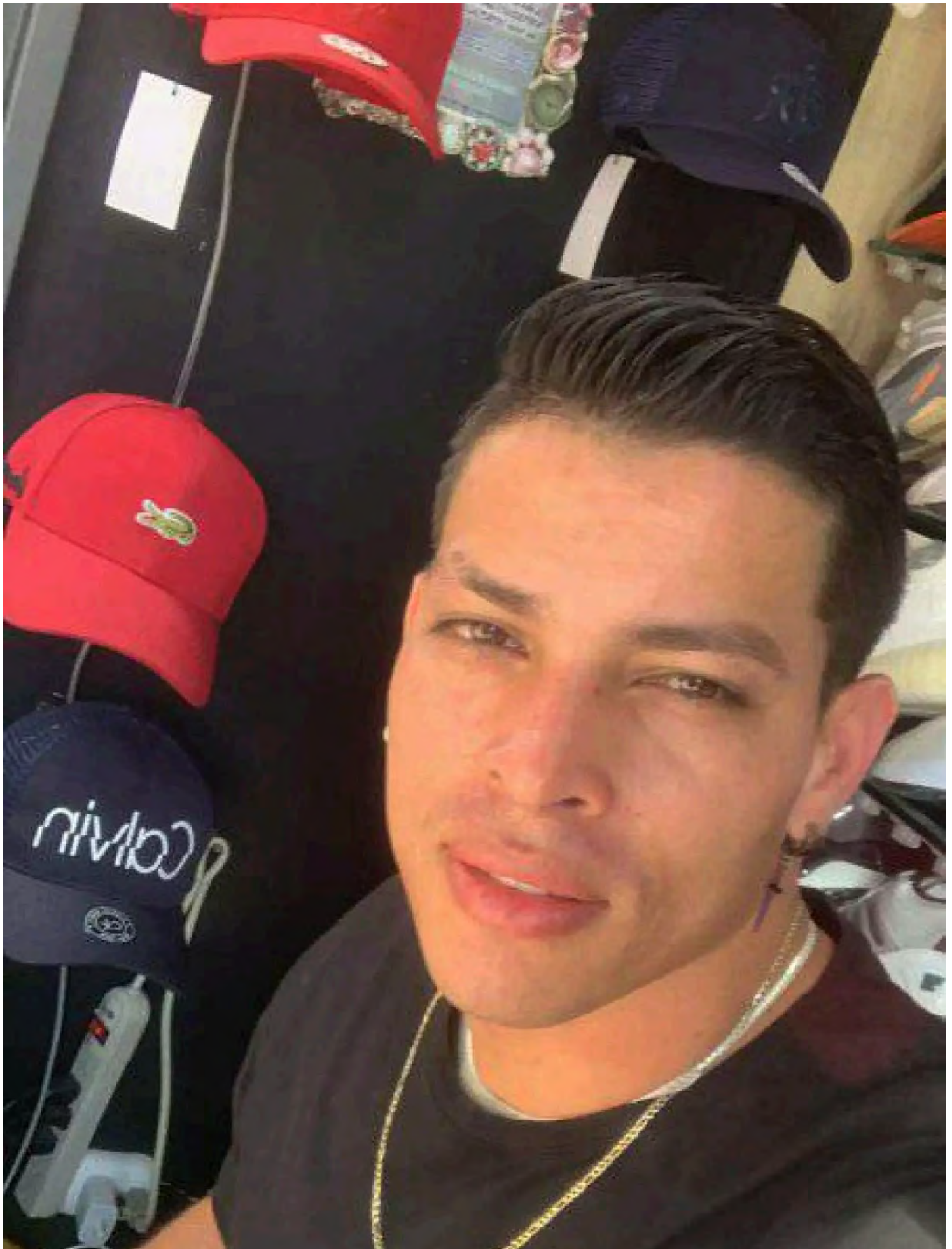
“Have faith in God,” he wrote in a caption. “Never put your head down. And trust yourself.”

Jennifer Aguilar said he got a job in a travel agency in the California border city of Calexico. For reasons that remain unclear, he was detained by U.S. immigration authorities late last year.

From Colombia, where she lives with her three daughters, Jennifer Aguilar has written about her brother's plight on social media and sent messages to Venezuelan President Nicolás Maduro and to Bukele, the Salvadoran leader.

Aguilar "has never been to prison in Venezuela or in Colombia," she wrote to Bukele. "Believe me, if he was guilty I'd say: 'Leave him there.' Because we were taught to be honest and do good."







Nolberto Rafael Aguilar Rodríguez chronicled his journey from South America to the United States on social media. He was deported and is now being held in El Salvador. (Jennifer Aguilar)

“I’ve tried by all means ... to be Rafael’s voice,” said the sister, adding that she doesn’t know anyone in El Salvador. “If I could be there, I would. I’m deeply sorry that I can’t.”

El Salvador has rounded up and imprisoned some 85,000 people — the equivalent of 1.5% of the nation’s population — since March 2022, when Bukele declared a state of emergency that effectively suspended constitutional due process rights. The Venezuelans were dispatched to the infamous Center for Terrorism Confinement, the centerpiece of Bukele’s mass incarceration agenda.

*Times staff writers McDonnell and Linthicum reported from Mexico City while special correspondents Mery Mogollón and Nelson Rauda contributed, respectively, from Caracas, Venezuela, and San Salvador. Special correspondent Cecilia Sánchez Vidal contributed from Mexico City.*

## More to Read

**The Tren de Aragua gang started in a Venezuelan prison. It’s now deep in U.S. politics**

March 18, 2025



# EXHIBIT 7



## International

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MEXICO · CHINA · LATEST NEWS



VENEZUELA >

# Arturo and Frizgeralth, convicted for being Venezuelans: Trump takes another step in his racist drift

Families recognize their loved ones in videos from the Salvadoran prison where the US deported nearly 300 people with alleged ties to the Tren de Aragua gang. Some have clean criminal records. No one knows if they'll be able to return home





SuarezVzla is the stage name of the reggaeton artist Arturo Suárez-Trejo from Venezuela.  
CORTESÍA

## CARLA GLORIA COLOMÉ | FLORANTONIA SINGER

New York / Caracas - MAR 24, 2025 - 10:26CET



Dart Martins, a Peruvian reggaeton artist in a hurry to record his song TXTEO, can't believe he has to delay it because SuarezVzla isn't there. They've been making music together for a long time. Last time they were on a stage was at the Urban Fresh Festival in Santiago, Chile, in front of a young, loud audience. A video captures the memory of that April night: Dart Martins at the front of the stage, singing; SuarezVzla in the back, the audience in front, doing [perreo](#). Earlier this year, when SuarezVzla had already left Chile to settle in the United States, they exchanged a few messages. Donald Trump had not yet [returned to the White House](#).

“How’s it going in the United States?” Martins, 30, asked in one of his messages. “I heard Trump is deporting all the illegal immigrants.”

SuarezVzla — the stage name of Arturo Suárez-Trejo, 33 — told him it was true, that they were going to deport [many illegal migrants](#), but that everything was fine with him. He had left his native Venezuela in 2018 and had settled in Chile. There he made music, friends and fans. On September 2, 2024, around 1 p.m., he entered the United States after presenting himself at the San Ysidro border crossing in California. He had benefited from the CBP One program, the application created by the Joe Biden administration and dismantled by the Republican administration on its first day in office, which has allowed legal entry into the country to some 900,000 immigrants.

SuarezVzla left Venezuela in 2018 and settled in Chile. On September 2, 2024, he entered the United States after presenting himself at the San Ysidro border crossing in California.

**CORTESÍA**

Suárez wanted to improve his musical technique and return to Chile with his wife. He had the protection of a parole program and a hearing scheduled for April 2 of this year. He won't be able to go: he now finds himself in El Salvador. He met the same fate as the 238 Venezuelans who were taken there last week in a dystopian story: expelled from the United States under a two-century-old law in violation of a court order and [taken to a maximum-security prison for terrorists](#) built by Salvadoran President Nayib Bukele.

On February 8, Suárez was recording a video clip at a home in Raleigh, North Carolina, where he lived. Immigration and Customs Enforcement (ICE) agents arrived and arrested the entire group of people. They first held him at the Stewart Detention Center in Georgia. They then transferred him to the Valle Detention Center in Texas. At one point, he told his family he was being deported to Venezuela.

“We thought this was going to happen, they were going to deport him to Caracas,” says his brother, Nelson Suárez-Trejo, 35, who describes Suárez as a noble man, a lover of music and poetry, who has never thrown a punch beyond his kickboxing practices.

Days after Suárez's last call, the nightmare began. The images of the inmates, shaved, handcuffed, and sent on three flights to El Salvador as alleged members of the Venezuelan criminal gang Tren de Aragua, were shocking. They zoomed in on one and there was no doubt: it was Suárez.

“We knew it because of the tattoos he has and his physical features,” his brother says.

No one has provided any information or warning to the family. Confirmation didn't come until Thursday, when CBS News published an internal U.S. government list of the names of the 238 Venezuelans who were sent to the Central American country, despite a judge's order preventing the deportation. The name Arturo Suárez-Trejo appears on the list. To this day, the family remains unaware of what will happen to him.

“We haven't received any response from the Salvadoran government. We don't even know what charges he faces. He had no criminal record,” his brother says.

Suárez's family, friends, and fans have been circulating documents on social media confirming that he has no criminal record in any of the countries where he has lived. Dozens of people have shared his photos, his videos perched on a stage, and his love songs. They have united to demand justice for someone they describe as "a fundamental pillar of Santiago's emerging cultural scene." Suárez "is an artist, not a criminal," they assert.

"He doesn't deserve to have his life ended, to have his name tarnished," his brother insists. "I don't understand how they can cut short the dreams of someone who came to this country to dream big and who didn't enter illegally. We're affected; we're not Tren de Aragua, we're not even from Aragua."

Nelson would also like to know "how he is, how they are treating him" in prison. It's the same question being asked by Nathali, Sánchez's wife, who has been struggling with so much concern for almost a week. "In the Texas prison, he was coughing blood and had a fever. I'm afraid it could get worse," says the 27-year-old, who cares for their daughter, a baby born just three months ago. "I won't rest until I see him free, until I see him with his daughter."

Following a wave of condemnation over the deportation of dozens of men considered criminals to El Salvador, U.S. authorities have acknowledged that not all of them are members of the aforementioned gang and that some do not even have a criminal record in the United States. Several officials told CBS News that 137 of the Venezuelan men sent to the Salvadoran mega-prison were treated as "enemy aliens," but that 101 were deported "under ordinary immigration procedures." Organizations such as the United Nations have focused on the way these migrants are being treated. Its Secretary-General, António Guterres, called for respect for "due process, their fundamental rights, and their most basic dignity."

Now, Suárez's brother, Nelson, is the one who will have to take care of the baby and his wife, who remain in Chile. "She doesn't have the means to work three months after giving birth. She's alone, and now I, as his brother, have to take care of them." But the thing is, Nelson is also afraid to go out on the streets. He's [an Amazon delivery driver](#); he has to work. His papers are in order, but nothing guarantees that the same thing that happened to Suárez won't happen to him. "I'm also terrified of being stopped. I have my TPS, my court date, and my



license, all in order, but who knows. I walk the streets in fear because I also have tattoos, but I don't belong to any gang; all I've done my whole life is work."

Guards look after deportees from the United States at the Anti-Terrorist Detention Center in Tecoluca, El Salvador, on March 16, 2025.

AP

## **The party that wasn't in Venezuela**

At the Cornejo Pulgar home, high in the Antímano neighborhood in western Caracas, blue and yellow balloons were placed a week ago. This was how they were planning to welcome Frizgeralth De Jesús, 25, the youngest of the children who would be returning to the country, the only one who still has a huge baby portrait hanging in the living room. The deportation was the best news for his family, after the young man had spent eight months in a detention center in Texas. At home, they were happy, his older brother Carlos says from Caracas.

They were planning to go greet him at the airport that Saturday, after he told them he was happy and about to board the plane home.

Last year, Frizgeralth had made a long journey [through the Darien Gap](#). He waited for his appointment to apply for temporary residence through the now-defunct CBP One application, a benefit that Venezuelans had until last year. His deadline was June 19, 2024. Meanwhile, he was making plans to open a store in the United States to sell the streetwear brand he started in Venezuela. “He was going to look for something better,” says Carlos. That something ended up being a prison as soon as he crossed into the United States. He was with three friends, another one of his brothers, and his brother’s girlfriend. They were headed to Tennessee, where another of his sisters has lived for seven years. Venezuelans have been migrating en masse for a decade now. Now, almost all of them have a place to call home.

Frizgeralth was the only one of his group who wasn’t allowed to enter. [The tattoos](#) on his neck, chest, abdomen, arms, and legs became the unwritten reason that led to his being declared a suspect when he tried to enter the country in June 2024. He had been in custody ever since. Now he’s also gone missing. His family hasn’t seen him in the videos Salvadoran President Nayib Bukele released celebrating the agreement with the United States to provide jailer services. But they deduced he’s in that group. Now, his name on the published list confirms it.

During his eight months in prison, Frizgeralth spoke mostly with his sister, who lives a 12-hour drive from where he was detained. In a message she still has, the young man told her: “I never imagined being in prison just for getting tattoos.” Tattoos are part of the style he identifies with, that urban, very hip-hop, very American fashion that led him to start his own clothing brand and for which he was ultimately arrested. “This is mental torture every day,” he wrote in another message.

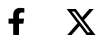
His sister has considered buying a ticket from Tennessee to El Salvador, not knowing if she’ll be able to see him. Carlos also tried to find information at the march that Nicolás Maduro’s government organized this week in solidarity with their families. The head of the National Assembly, Jorge Rodríguez, compared U.S. immigration policy to the Nazi persecution of Jews sent to concentration camps during World War II, and promised to do whatever was necessary to

bring them to Venezuela. But Carlos found no answers about his brother. “The truth is, I spent the entire march crying.”

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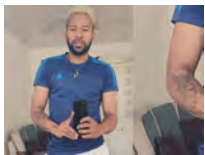
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## MORE INFORMATION



### A tattoo of Real Madrid: The Trump administration’s ‘proof’ for deporting a Venezuelan to El Salvador

MACARENA VIDAL LIY | WASHINGTON



### A tattoo, an ear, a neck: Venezuelan mothers recognize their sons in images of alleged gang members sent to El Salvador

CARLA GLORIA COLOMÉ | NEW YORK

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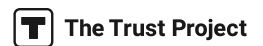
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# EXHIBIT 8



## Immigration

# They were arrested during routine ICE check-ins. Then they disappeared.

Deportation proceedings are often shrouded in secrecy. But lawyers say the lack of information about the Venezuelan migrants deported under the Alien Enemies Act is nearly unprecedented.

Updated March 22, 2025

Nays Ñaupari Rosila shows a photo of herself and her husband, Henry Albornoz Quintero, who was detained by ICE. (Desiree Rios/For The Washington Post)

By [Arelis R. Hernández](#) and [María Luisa Paúl](#)

SAN ANTONIO — Henry Albornoz Quintero’s family had been tracking his whereabouts through an online detainee locator ever since he was arrested and put in deportation proceedings after a routine check-in with immigration officials in late January.

But on Friday — less than a week before the expected birth of his son — the Venezuelan man disappeared from the database.

“Your search has returned zero (0) matching records,” the government website states.

The families and lawyers of dozens of other Venezuelan and Salvadoran men who had been detained by U.S. Immigration and Customs Enforcement say their relatives and clients have similarly disappeared over the past week, with no explanation provided by the government over where they may be.

Deportation proceedings in the United States are often shrouded in secrecy. Arrest records are not public, and detainees can be transferred to far-flung jails anywhere in the United States. But family members, lawyers and the public can get information on an inmate’s whereabouts through an online database, contact with an official or direct phone communication with a detainee.

Yet in the week since the Trump administration invoked the Alien Enemies Act to deport 137 Venezuelan migrants accused of being Tren de Aragua gang members to a mega-prison in El Salvador, detainees can no longer be found in the database. The Trump administration cast them as violent threats against Americans, though a top ICE official admitted in a court filing that “many” of those deported under the act do not have criminal records in the U.S. A lawyer advocating for those sent to El Salvador said in court Friday that his team would soon file documents that show some of the migrants deported there were rejected by the prison because they were women or from countries other than Venezuela or El Salvador.

Government prosecutors have offered little or no information about the migrants who were left there. Lawyers have gone to court dates for bond and asylum hearings, only to find that their clients are missing. Relatives have been left to scrutinize images released by the Salvadoran government showing men being frog-marched off a plane in shackles into the prison, to find out if they are there.

“This looks like the kinds of things we thought only happened in other countries, and it’s happening to people who come from those places and came here to get away from it,” said Michelle Brané, a former Biden appointee who is among a group of lawyers working to identify detainees who may have been sent to El Salvador. “You’re not supposed to have people disappear in the United States.”

The White House and the U.S. Department of Homeland Security have not released the names of the men sent to El Salvador and did not respond to questions regarding when family members or lawyers will be notified. Press secretary Karoline Leavitt said at a briefing Monday that the names were not being released “because of privacy concerns at this point in time — that doesn’t mean we won’t.”

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## **Do you know someone who was sent to El Salvador?**

The Washington Post is trying to learn more about those being detained in El Salvador. If you know — or think — that your loved one is one of those involved, we would like to hear from you. You can send us information [at this link](#).

The Washington Post está intentando obtener más información sobre las personas detenidas en El Salvador. Si sabe o cree que su ser querido está entre las personas afectadas, nos gustaría saberlo. Puede enviarnos información a través [de este enlace](#).

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Lawyers of those likely to have been sent to El Salvador say the lack of information around these men is nearly unprecedented. They described a scrambled quest to find out where their clients are that has thus far yielded few answers. Some called ICE detention centers and were told that the detainees about whom they were inquiring were no longer there, but officials weren’t able to say where they are now.

“It’s like being completely stonewalled,” said Lucia Curiel, who is representing a Salvadoran man who she said has no criminal convictions and disappeared from ICE’s detainee database after the Alien Enemies Act was invoked.

Communicating with the migrants sent to El Salvador and offering them legal representation is likely to be extremely difficult. Inmates at the prison where they were sent are routinely denied access to lawyers or relatives.

The families of 19-year-old Anyelo Sarabia González and 24-year-old Francisco Javier García Casique shared similar stories. Their relatives had been in regular contact with them before they disappeared last weekend. Their family members believe they have spotted them in photos taken of prisoners at El Salvador's Terrorism Confinement Center, but they have no official information on where they are or why they were taken there.

For Alborno Quintero's family, the search for information has been anguishing. His wife, Nays Ñaupari Rosila, is nine months pregnant. She said she has repeatedly called Salvadoran authorities but has not been able to get through to anyone. When she went to the Dallas ICE office looking for answers, she said she was told to leave or risk arrest.

"I'm so scared for my baby," Ñaupari Rosila, 22, said, sobbing. "Unfortunately, we came to a country where basically we don't have a right to anything."

## 'This isn't Venezuela'

The three men whose families spoke with The Washington Post are all young Venezuelans who settled in north Texas. All had been in the United States for about a year after illegally crossing the Rio Grande and surrendering to U.S. Border Patrol. They were released into the country while they pursued asylum claims and were required to attend regular check-ins with ICE.

Anyelo Sarabia González was "the baby of the house," said Solanyer Michell Sarabia González, 25, his older sister. The siblings, along with another sister, crossed into the U.S. in November 2023. They were told to check in with ICE once a year — and it was during one of those check-ins in January that an officer began asking questions.

Solanyer said an ICE official took interest in a tattoo on her brother's hand showing a rose with petals made of \$100 bills. He'd only recently gotten the tattoo, she said. Their mother had forbade him from getting one in Venezuela. Because her brother was now helping her pay the bills, "I felt like I couldn't say no when he asked. God, I even helped him pick it. We thought it was just a cool design."

The official asked where Anyelo was from, said his sister, who also had an appointment that day and witnessed what transpired. When he said he was from La Victoria, in the Venezuelan state of Aragua, that "was the nail in the coffin," she said. He was taken to another room and told to strip naked. His sisters got on their knees and begged the official to deport them instead.

For more than a month, Solanyer and her brother stayed in contact regularly by phone. She tried reassuring him that everything would be fine. She reminded him that he had an asylum hearing coming up in May.

"Don't cry. This isn't Venezuela," she told him. "They have a justice system here."

Francisco Javier García Casique had also been detained while trying to comply with a routine ICE check-in during February of last year. His brother, Sebastián García Casique, said one of the officers looked at his arms — sprawled with tattoos of a compass, a crown, a single rose, and his mother's, grandmother's and sisters' names — and began asking questions.

“They saw that and they decided he was Tren de Aragua,” Sebastián said. “They didn't care that he had never been arrested before — neither in Peru, Venezuela or the United States — and told him that they needed to investigate him more.”

Sebastián said his brother was detained for several months last year. Though Sebastián said authorities could not link Francisco to any criminal activity, he was nonetheless ordered deported. But that didn't happen. A judge released him with an ankle monitor because, at the time, the U.S. did not have a deportation agreement with Venezuela and the court decided he didn't pose a security threat, his brother said.

“Francisco just kept telling us: ‘I have nothing to fear because I'm not a criminal,’” his brother recalled. Then in February, officials showed up at Francisco's home and sent him to a detention center. “It was bittersweet for him, but he kept saying that his only wish was to be sent back to Venezuela.”

Albornoz Quintero and his wife had just celebrated their first year in the U.S. when he went to the ICE check-in where he was detained. He is a mechanic by training and had managed to find repair jobs while waiting for a work permit. The couple initially made ends meet by sleeping in a car but eventually earned enough money to put a deposit down on an apartment in Dallas.

Both were elated when they learned she was pregnant, Ñaupari Rosila said.

She had no issues at the check-in, but an officer detained her husband without providing any explanation. The expectant mom — then seven months pregnant — got in touch with an attorney and began raising money for him to be released on bond. A hearing was scheduled for the same week that she was due.

But a few days before, Albornoz Quintero told his wife he was going to be deported back to Venezuela. The other men whose families spoke with The Post say their loved ones also said they were going to be sent home.

In Texas and Venezuela, relatives anxiously searched for information on their flights. They were disappointed, but the men were also eager to be out of jail and back with their families, even if it was in the place they'd risked everything to leave. Francisco's relatives cooked his favorite foods and prepared a homecoming celebration.

Then they disappeared.

## Pushing legal boundaries



On the same day the men last called their families, President Donald Trump had invoked a wartime provision designating members of the Tren de Aragua gang as alien enemies eligible for immediate deportation.

The next day, March 15, they were boarded onto planes as a court battle began brewing over whether the president had the right to deport the men under the act. Five men named as plaintiffs in the case were removed from the planes, but the others departed and were in the air when a federal judge ordered that they be turned around. The planes landed in El Salvador several hours later anyway.

Greg Chen, senior director of government relations for the American Immigration Lawyers Association, said there appears to have been an information breakdown between immigration officials in Washington and local ICE officials, who do not appear to have received adequate instruction about what is happening and what to do next.

“There’s operational chaos,” he said.

The situation echoes ICE’s early days after its founding in 2003, when entering immigration detention was like “entering a black hole,” said Ohio State University law professor César Cuauhtémoc García Hernández. “People would die in detention, and ICE wouldn’t inform anyone.”

But several immigration lawyers said the agency had become more transparent in recent years, after several embarrassing investigative reports and lawsuits. ICE regularly made detainees available for court, granted some legal access, facilitated phone calls and in 2020 created the locator system in response to pressure from advocacy groups. Anyone with a detainee’s basic details could learn where that person was being held.

That wasn’t the case, however, when the Trump administration began sending migrants to the Guantánamo Bay naval station in Cuba. When families of those migrants searched the ICE locator for information on their loved ones, they were told to call a Florida field office. The agency only updated the locator with a specific “NSGB” label after the advocates brought a lawsuit earlier this year, ACLU attorney Eunice Cho said.

If the system does not offer a location, the likely scenario is that the detainee is no longer in ICE custody. That person could be dead, or in the case of the alleged Venezuelan gang members, out of the country.

“We are in a situation where ICE is pushing the boundaries of what it is legally permitted to do,” García Hernández said. “ICE is trying to act aggressively in making headway on President Trump’s promise of overseeing a mass deportation campaign and making use of every legal tool available with little regard to norms or practices or the effect removal has on the people who care about that individual.”

The Trump administration has wavered in justifying its decision to land two planes carrying Venezuelan migrants deported under the Alien Enemies Act. High-ranking Trump administration officials have argued the president’s executive authority supersedes the judge’s order, while in court his lawyers have argued that because the planes were over international waters, the ruling did not apply.

## ‘Freedom and rights?’

Dallas attorney John Dutton logged on to Albornoz Quintero’s bond hearing this week through the virtual Webex platform. His client did not. The lawyer asked a government prosecutor where the expectant father was.

The Trump administration attorney said he did not know, Dutton said.

“The judge suggested that I contact the Salvadoran Consulate,” in the event that he was indeed in El Salvador, Dutton recalled. If that was the case, the judge noted, he wasn’t sure if he had any jurisdiction over the case anymore.

“Can you imagine just being taken ahead of what is supposed to be one of the most exciting days of your life, the birth of a child, and being put in a foreign prison designed for terrorists?” Dutton said. “This kid is screwed.”

With no information from lawyers, families are resorting to amateur sleuthing — zooming in on blurry photos, studying every image, and freezing frames of videos shared by the White House and Salvadoran government — to confirm whether their brother, father, son or spouse are among those spirited away to a foreign prison.

Sebastián García Casique found his brother in a photograph. The blurry image featured dozens of men in formation, with their heads shaved and wrists bound behind them. Sebastián zoomed in on every bald head. Then he saw them: the tattoos, the ears, the broad frame he had known his whole life.

Still, hoping to be wrong, Sebastián checked the ICE locator website. Until March 15, it showed his brother was still in Texas. By Sunday night, that had changed. Now it indicated that his search yielded no results.

“The worst part is that they don’t even have the courtesy of calling the families,” Sebastián said. “It’s inhumane how they’re literally disappearing people. What happened to being the country of freedom and rights?”

Solanyer Sarabia González was also bewildered when she spotted her little brother among the prisoners in El Salvador.

“I kept thinking to myself: ‘How in the world will I ever recognize him now among all these bald guys?’” she said. Then she recognized him. “Those are the knees, shoulders, forehead I’ve known and loved forever.”

For Albornoz Quintero’s wife, finding him in a photograph was an official confirmation that he will not be at his child’s birth. Ñaupari Rosila has tried to keep her mind focused on the baby, arranging and rearranging the baby’s corner of their one-bedroom apartment. Most of the walls in their unit are bare, except for where the baby’s crib is, which she has decorated with a dinosaur sticker.

The closet is full of baby clothes that her husband had excitedly picked out.

"I just want to know where my husband is," she said. "How can they just do this?"

*Graphics by Álvaro Valiño. Silvia Foster-Frau contributed to this report.*

### **What readers are saying**

The comments express strong opposition to the use of the Alien Enemies Act for deporting individuals without criminal records, drawing parallels to authoritarian regimes and historical instances of "disappearing" people. Many commenters fear this sets a dangerous precedent for... [Show more](#)

This summary is AI-generated. AI can make mistakes and this summary is not a replacement for reading the comments.

# EXHIBIT 9



IMMIGRATION

## U.S. sent Venezuelan man with pending political asylum case to El Salvador mega prison

By **Syra Ortiz Blanes** and **Verónica Egui Brito**

Updated March 27, 2025 10:00 AM | 11



Frengel Reyes Mota and his 9-year-old stepson, whose face has been blurred to protect his identity.



Only have a minute? Listen instead

Powered by **Trinity Audio**

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Frengel Reyes Mota was supposed to be dealing with his ongoing asylum case as he fought for his chance to stay in the United States. Suddenly, he instead found himself locked up in a mega prison thousands of miles away.

“He’s in the torture prison in El Salvador,” Mark Prada, Reyes Mota’s lawyer, told Immigration Judge Jorge Pereira

during a hearing on Monday at the Krome Detention Center in western Miami-Dade

County. The hearing had been scheduled before Reyes Mota was sent out of the country.

#### TOP VIDEOS



Reyes Mota is among the hundreds of Venezuelans that the Trump administration deported earlier this month through the use of extraordinary wartime powers based on a 1798 law. The administration sent them to the Terrorism Confinement Center in El Salvador, claiming they are members of the notorious Venezuelan gang Tren de Aragua.

But the 24-year-old father does not have a criminal record in Venezuela. His U.S. immigration detention records are riddled with mistakes, raising questions about how reliable they are. He does not have tattoos and his family members deny he has any gang ties.

“He’s not a gang member, judge,” Prada said.

Had Reyes Mota still been in the United States, the hearing related to his asylum request would have been a commonplace matter. But his absence showcases the remarkable nature of the Venezuelans’ deportation to El Salvador. As lawyers argue the deportation flights were unlawful and violated a federal judge’s order, the immigration court system is navigating the case of an asylum seeker with pending immigration proceedings whom the Trump administration flew to another country without due process.

“We are facing a novel and extremely concerning situation where people’s immigration court proceedings are still pending but they are being disappeared from the United States without any lawful removal order,” said Prada. “This is an affront to the rule of law.”

Other lawyers have said in court documents challenging the deportations that their clients were also in pending asylum or other immigration proceedings.

### **‘Doesn’t deserve this injustice’**

Reyes Mota and his wife decided to come to the United States because they saw no future for their child in Venezuela. In 2023, they became part of the seven million Venezuelans who have fled economic turbulence, political repression and widespread poverty in their native country.

Liyanara Sánchez, Reyes Mota’s wife, described him as a reserved man, a loving husband, a dedicated father and pet lover. In the United States he painted houses for a living. He carefully budgeted to buy treats and clothes to spoil his adopted dog, Sacha.

“He’s the most beautiful person. If you need something, he’ll be there for you,” said Sánchez. “He’s a hard worker. He’s never left us without food or housing.”

At a young age, he chose to build a life with Sánchez, who was already a mother. To the boy, Reyes Mota was more than a stepfather — he was a true father, someone



who stepped into the role with love and commitment, embracing the boy as his own, his family said.

“I need help for my father,” his 9-year-old son, who has learned English in the United States, told the Herald over audio messages. “My father is very nice with me.... My father is not bad people. My father is very, very good people.”



Frengel Reyes Mota, a 24-year-old Venezuelan asylum seeker, enjoyed playing with his dog, Sacha. He was deported to El Salvador's mega prison despite having no criminal record in Venezuela or the U.S. *Frengel Reyes Mota family*

On Feb. 4, Reyes Mota, who was living in Tampa, went to the Immigration and Customs Enforcement office in the city for a required check-in. There, agents informed him that he was being placed in custody under suspicion of being associated with the Tren de Aragua gang, according to his family.



From detention, Reyes Mota asked his loved ones about whether Sacha was eating enough and how his son was doing in school. But they lost contact with him on the day before the deportation flights to El Salvador, on March 15. A week later, his name popped up on a list of Venezuelans who were being held at the Central American mega prison.

“He doesn’t deserve this injustice,” said a family member who requested to remain anonymous out of fear for their safety.

### **Back in the courtroom**

At attorney Prada’s request the judge froze Reyes Mota’s asylum case for the time being. That way, he could eventually take it up again. That is, if he is ever able to return to the United States.

“We can agree that there was no removal order from this court or another court,” the judge said, noting that there was very little he could do.

The U.S. government claims on Reyes Mota’s I-213 form, a document the Department of Homeland Security uses to support that someone is deportable, that he “may be a Tren de Aragua associate.” But in those same documents, the government says he has no criminal records or immigration history in the United States. The government also uses someone else’s last name in several parts of the document, identifies him with female pronouns, and uses two different unique identification numbers that immigration authorities use to keep track of individuals, raising questions about the reliability of Trump officials’ accusations against him.

After Prada pointed out the mistakes and argued there is no evidence Reyes Mota was a Tren de Aragua member, the judge asked whether the government had made a mistake. Lawyers for the Department of Homeland Security said this was not a hearing to analyze evidence but that they would look into it. However, there are no more hearings for the foreseeable future.

Reyes Mota's family also provided to the Miami Herald government documents showing that Reyes Mota did not have any criminal record in Venezuela, and photos that show he does not have any tattoos. Immigration authorities have used the presence of tattoos to hold migrants on suspicions of being gang members.

On Wednesday afternoon, Homeland Security Kristi Noem was on her way to visit the Terrorism Confinement Center in El Salvador. She and other officials have touted the deportations as a feat of President Donald Trump's agenda to keep Americans safe from violent criminals. Before her arrival she said on her X account she was going to see firsthand "where the worst-of-the-worst criminals are housed."

But the Trump administration has admitted in federal court documents that "many" Venezuelans it accused of being dangerous gang members and deported through presidential wartime powers [have no criminal records in the United States](#), although they argued it was only because they had only been in the U.S. briefly. On Wednesday, a federal appeals court in Washington upheld the block a lower court had imposed on the use of the war time powers to deport immigrants.



Frengel Reyes Mota, a 24-year-old father and asylum seeker, was deported to El Salvador's mega prison despite having no criminal record, according to Department of Homeland Security records. In his free time, Reyes Mota enjoyed playing with his dog, Sacha. *Frengel Reyes Mota family*

Several family members of Venezuelan men sent to El Salvador have also told the Herald their loved ones at the Terrorism Confinement Center [are not part of Tren de](#)

[Aragua](#). The Trump administration has also sent Venezuelans who had been granted refugee status to El Salvador. To receive refugee status, people must undergo extensive background checks.

[READ MORE: Despite refugee status in the U.S., young Venezuelan was deported to Salvadoran prison](#)

Venezuelan nonprofit organizations have raised alarms about the “arbitrary detentions of Venezuelan migrants” in the United States, emphasizing that they had left their country fleeing a difficult situation where their lives could be in danger if they are returned.

“The mass and indiscriminate deportation of Venezuelans, without properly assessing their individual circumstances” makes them vulnerable, Foro por la Vida, a coalition of human-rights groups in Venezuela, said in a statement.

Reyes Mota, a young man from a poverty-stricken city in a region rich in oil, wanted stability and peace for his family, his loved ones said. When he came to the United States, he was not expecting he would end up held indefinitely in a Central American prison that has been accused of human rights violations, or that the U.S. government would accuse him of belonging to a gang designated as a terrorist organization.

His loved ones insist that he is a man of integrity with no criminal record.

“Please, Trump, there are many innocent people in that jail,” his wife said, “and they are paying the price.”

This story was originally published March 26, 2025 at 6:56 PM.

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# EXHIBIT 10

## IMMIGRATION

**“You’re Here Because of Your Tattoos”**

*The Trump administration sent Venezuelans to El Salvador’s most infamous prison. Their families are looking for answers.*

NOAH LANARD AND ISABELA DIAS    MARCH 26, 2025



Mother Jones illustration; Mark Boster/Los Angeles Times/Getty; Photos courtesy Génesis Lozada, Joseph Giardina, Arturo Suárez, and María Alvarado





**Mother Jones illustration; Mark Boster/Los Angeles Times/Getty; Photos courtesy Génesis Lozada, Joseph Giardina, Arturo Suárez, and María Alvarado**

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**On Friday,** March 14, Arturo Suárez Trejo called his wife, Nathali Sánchez, from an immigration detention center in Texas. Suárez, a 33-year-old native of Caracas, Venezuela, explained that his deportation flight had been delayed. He told his wife he would be home soon. Suárez did not want to go back to Venezuela. Still, there was at least a silver lining: In December, Sánchez had given birth to their daughter, Nahia. Suárez would finally have a chance to meet the three-month-old baby girl he had only ever seen on screens.

But, Sánchez told *Mother Jones*, she has not heard from Suárez since. Instead, last weekend, she found herself zooming in on a photo the government of El Salvador published of Venezuelan men the Trump administration had sent to President Nayib Bukele's infamous Terrorism Confinement Center, or CECOT. "I realized that one of them was my husband," she said. "I recognized him by the tattoo [on his neck], by his ear, and by his chin. Even though I couldn't see his face, I knew it was him." The photo Sánchez examined—and a highly produced propaganda video promoted by Secretary of State Marco Rubio and the White House—showed Venezuelans shackled in prison uniforms as they were pushed around by guards and had their heads shaved.

The tattoo on Suárez's neck is of a *colibrí*, a hummingbird. His wife said it is meant to symbolize "harmony and good energy." She said his other tattoos, like a palm tree on his hand—an homage to Suárez's late mother's use of a Venezuelan expression about God being greater than a coconut tree—were similarly innocuous. Nevertheless, they may be why Suárez has been effectively disappeared by the US government into a Salvadoran mega-prison.

*Mother Jones* has spoken with friends, family members, and lawyers of ten men sent to El Salvador by the Trump administration based on allegations that they are members of the Venezuelan organized crime group Tren de Aragua. All of them say their relatives have tattoos and believe that is why their loved ones were targeted. But they vigorously reject the idea that their sons, brothers, and husbands have anything to do with Tren de Aragua, which the Trump

administration recently labeled a foreign terrorist organization. The families have substantiated those assertions to *Mother Jones*, including—in many cases—by providing official documents attesting to their relatives' lack of criminal histories in Venezuela. Such evidence might have persuaded US judges that the men were not part of any criminal organization had the Trump administration not deliberately deprived them of due process.

On March 14, President Donald Trump quietly signed a proclamation invoking the Alien Enemies Act—a 1798 law last used during World War II. The order declared that the United States is under invasion by Tren de Aragua. It is the first time in US history that the 18th-century statute, which gives the president extraordinary powers to detain and deport noncitizens, has been used absent a Congressional declaration of war. The administration then employed the wartime authority unlocked by the Alien Enemies Act to quickly load Venezuelans onto deportation flights from Texas to El Salvador.

In response to a class action lawsuit brought by the ACLU and Democracy Forward, federal judge James Boasberg almost immediately blocked the Trump White House from using the Alien Enemies Act to summarily deport Venezuelans, and directed any planes already in the air to turn around. But in defiance of that order, the administration kept jets flying to El Salvador. Now Suárez and others like him are trapped in the Central American nation with no clear way to contact their relatives or lawyers.

Suárez, whose story has also been reported on by the Venezuelan outlet *El Estímulo*, is an aspiring pop musician who records under the name SuarezVzla. His older brother, Nelson Suárez, said his sibling's tattoos were intended to help him “stand out” from the crowd. “As Venezuelans, we can't be in our own country so we came to a country where there is supposedly freedom of expression, where there are human rights, where there's the strongest and most robust democracy,” Nelson said. “Yet the government is treating us like criminals based only on our tattoos, or because we're Venezuelan, without a proper investigation or a prosecutor offering any evidence.” (All interviews with family members for this story were conducted in Spanish.)

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***“Well, you're here because of your tattoos,” the ICE agent reportedly said. “We're finding and questioning everyone who has tattoos.”***

The Justice Department's website states that Suárez's immigration case is still pending and that he is due to appear before a judge next Wednesday. Records provided by Nelson Suárez show that Arturo has no criminal record in Venezuela. Nor, according to his family, does Suárez have one in Colombia and Chile, where he lived after leaving Venezuela in 2016. They say he is one of millions of Venezuelans who sought a better life elsewhere after fleeing one of the worst economic collapses in modern history. (Just a few years ago, Secretary Rubio, then a senator from Florida, stressed that failure to protect Venezuelans from deportation “would result in a very real death sentence for countless” people who had “fled their country.”)

The stories shared with *Mother Jones* suggest that Trump's immigration officials actively sought out Venezuelan men with tattoos before the Alien Enemies Act was invoked and then removed them to El Salvador within hours of the presidential proclamation taking effect.

“This doesn't just happen overnight,” said immigration lawyer Joseph Giardina, who represents one of the men now in El Salvador, Frizgeralthe de Jesus Cornejo Pulgar. “They don't get a staged reception in El Salvador and a whole wing for them in a maximum-security prison...It was a planned operation, that was carried out quickly and in violation of the judge's order. They knew what they were doing.”



Arturo Suárez performing and speaking with his baby daughter from detention. **Courtesy Arturo Suárez**

**The White House** has yet to provide evidence that the hundreds of Venezuelans flown to El Salvador—without an opportunity to challenge their labeling as Tren de Aragua members and “terrorists”—had actual ties to the gang. When pressed on the criteria used for their identification, Press Secretary Karoline Leavitt pointed to unspecified “intelligence” deployed to arrest the Venezuelans she has referred to as “heinous monsters.” Trump’s border czar Tom Homan has insisted—without providing specific details—that the public should trust ICE to have correctly targeted the Venezuelans based on “criminal investigations,” social media posts, and surveillance.

Robert Cerna, an acting field office director for ICE’s removal operations branch, said the agency “did not simply rely on social media posts, photographs of the alien displaying gang-related hand gestures, or tattoos alone.” But Cerna also acknowledged that many of the Venezuelans deported under the Alien Enemies Act had no criminal history in the United States, a fact he twisted into an argument to seemingly justify the summary deportations without due process. “The lack of a criminal record does not indicate they pose a limited threat,” Cerna wrote. “In fact, based upon their association with TdA, the lack of specific information about each individual actually highlights the risk they pose. It demonstrates that they are terrorists with regard to whom we lack a complete profile.”

The relatives who talked to *Mother Jones* painted a vastly different picture from the US government’s description of the men as terrorists or hardened criminals. Many said their loved ones were tricked into thinking they were being sent back to Venezuela, not to a third country. (The Department of Homeland Security and ICE did not respond to a detailed request for comment asking for any evidence that the Venezuelans named in this article have ties to Tren de Aragua.)



Before leaving for the United States in late 2023, Neri Alvarado Borges lived in Yaritagua, a small city in north central Venezuela. His father is a farmer and his mother supports his 15-year-old brother, Nelyerson, who has autism.



Neri Alvarado with his brother Nelyerson in 2023. **Courtesy María Alvarado**

Alvarado's older sister, María, stressed in a call from Venezuela that her brother has no connection to Tren de Aragua. She said her brother was deeply devoted to helping Nelyerson—explaining that one of his three tattoos is an autism awareness ribbon with his brother's name on it and that he used to teach swimming classes for children with developmental disabilities. "Anyone who's talked to Neri for even an hour can tell you what a great person he is. Truly, as a family, we are completely devastated to see him going through something so unjust—especially knowing that he's never done anything wrong," María said. "He's someone who, as they say, wouldn't even hurt a fly."

Still, Alvarado was detained by ICE outside his apartment in early February and brought in for questioning, Juan Enrique Hernández, the owner of two Venezuelan bakeries in the Dallas area and Alvarado's boss, told *Mother Jones*. One day later, Hernández went to see him in detention and asked him to explain what had happened. Alvarado told Hernández that an ICE agent had asked him if he knew why he had been picked up; Alvarado said that he did not. "Well, you're here because of your tattoos," the ICE agent replied, according to Hernández. "We're finding and questioning everyone who has tattoos."

The agent then asked Alvarado to explain his tattoos and for permission to review his phone for any evidence of gang activity. "You're clean," the ICE officer told Alvarado after he complied, according to both Hernández and María Alvarado. "I'm going to put down here that you have nothing to do with Tren de Aragua."

For reasons that remain unclear, Hernández said that another official in ICE's Dallas field office decided to keep Alvarado detained. María Alvarado said her brother told her the same story at the time.

Hernández spoke to Alvarado shortly before he was sent to El Salvador. "There are 90 of us here. We all have tattoos. We were all detained for the same reasons," he recalled Alvarado telling him. "From what they told me, we are going to be deported." Both assumed that meant being sent back to Venezuela.

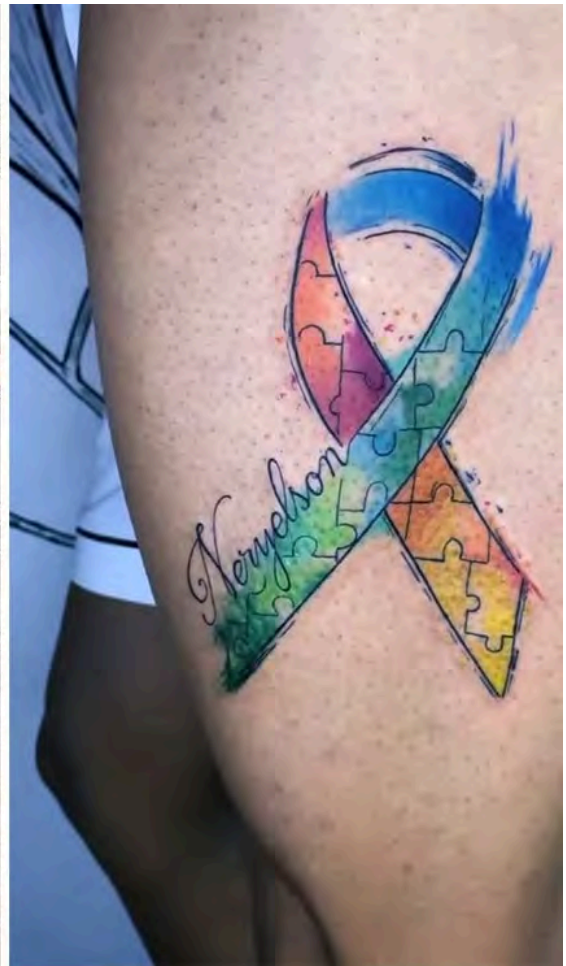
Hernández, a US citizen who moved to the United States from Venezuela nearly three decades ago, searched desperately for Alvarado when he didn't show up in his home country that weekend. He was nearly certain that Alvarado was in El Salvador when he first spoke to *Mother Jones* on Thursday. "I have very few friends," he said. "Very few friends and I have been in this country for 27 years. I let Neri into my house because he is a stand-up guy...Because you can tell when someone is good or bad." Later that day, on Alvarado's 25th birthday, Hernández got confirmation that his friend was in El Salvador when CBS News published a list of the 238 people now at CECOT.

A centerpiece of Bukele's brutal anti-gang crackdown, CECOT is known for due process violations and extreme confinement conditions. Last year, CNN obtained rare access to the remote prison, which can hold up to 40,000 people. The network found prisoners living in crowded cells with metal beds that had no mattresses or sheets, an open toilet, and a cement basin. Visitation and time outdoors are not allowed. A photographer who was allowed into the prison as the Venezuelans arrived earlier this month wrote for *Time* magazine that he witnessed them being beaten, humiliated, and stripped naked.

The Trump administration has indicated in court records that the El Salvador operation was weeks, if not months, in the making. In a declaration, a State Department official said arrangements with the Salvadoran and Venezuelan governments for the countries to take back US deportees allegedly associated with Tren de Aragua had been made after weeks of talks "at the highest levels"—including ones involving Secretary of State Rubio—and "were the result of intensive and delicate negotiations."

As part of the deal, the US government will pay El Salvador \$6 million to hold the Venezuelan men for at least one year. Calling the agreements a "foreign policy matter," Rubio has claimed the outsourcing of deportees' detention to Bukele's "excellent prison system" is saving money for US taxpayers.

It is unclear if, or when, anyone sent to CECOT will be able to return to Venezuela. A Human Rights Watch program director noted in a declaration that the organization "is not aware of any detainees who have been released from that prison." During an appeals court hearing on March 24, the ACLU's lead counsel Lee Gelernt said, "We're looking at people now who may be in a Salvadoran prison the rest of their lives."



Neri Alvarado working at the bakery and the autism awareness tattoo with his brother's name. **Courtesy María Alvarado**

**Joseph Giardina's** client Frizgeralth de Jesus Cornejo Pulgar thought he was set to return to Venezuela on a deportation flight. Carlos, Frizgeralth's older sibling, said his 26-year-old brother called their sister, who lives in Tennessee, from the El Valle detention center in Texas. He said Frizgeralth told her he was going to be deported to Venezuela later that day. "He was happy that he was going to be here with us," Carlos said from Caracas in a video call with *Mother Jones*.

But Frizgeralth never arrived. Eventually, the family heard from the girlfriend of another Venezuelan set to be deported on the same flight as Carlos. She had identified him in videos shared on social media of the men who had been sent to the prison in El Salvador. On March 19, Carlos started scouring the internet and spotted his brother in a TikTok video. In it, Frizgeralth has his freshly shaved head pressed down, a rose tattoo on his neck peeking out from under a white t-shirt.

"We felt very powerless and in a lot of pain," Carlos said. "To see how they mistreat a person who doesn't deserve any of that. It's not fair."

***"I never imagined being imprisoned just for getting a tattoo."***

Frizgeralth arrived in the United States in June 2024 after crossing the Darién Gap and waiting several months in Mexico for a CBP One appointment. The Biden-era program, which the Trump administration has since terminated,



allowed migrants to schedule a date to present lawfully at a US port of entry. Carlos said Border patrol agents let Frizgeralth's girlfriend and their other brother, as well as two friends, through but they held Frizgeralth back. He ended up detained at Winn Correctional Center, an ICE facility in Louisiana.

In messages to his family from detention, Frizgeralth expressed concern he was being investigated because of his tattoos. He explained that none of the 20 or so images—including one on his chest of an angel holding a gun—he has tattooed on his body have any connection to gang activity. He also described feeling discouraged from hearing stories in detention of Venezuelans who had recently been redetained and said ICE agents picked them up over suspicions about their tattoos.

Frizgeralth even had a declaration from his tattoo artist confirming the harmless nature of the artwork. "I never imagined being imprisoned just for getting a tattoo," Frizgeralth, who owns a streetwear clothing brand with Carlos, wrote. "I never imagined being separated from my family. I wouldn't wish this on anyone, not even my worst enemy if I had one. It's horrible, it's mental torture every day."

Like Suárez and Alvarado, Frizgeralth had no criminal record in Venezuela, documents show. Giardina said his client also had no known criminal history in the United States. Nor did he have a final deportation order. During his preliminary court hearings, the US government never claimed or presented evidence that Frizgeralth had ties to Tren de Aragua. "He was doing everything he was supposed to do," Giardina said. "He got vetted and checked when he came into the country. He was in detention the entire time. It's insanity." If anything, Giardina said, his client had a strong claim for asylum based on political persecution. He said Frizgeralth was being targeted by the *colectivos*, paramilitary groups linked to the Maduro regime.

About a week prior to his deportation, they moved Frizgeralth to Texas. His next hearing, which is scheduled for April 10, still appears on the immigration court's online system. "To detain them in this maximum security prison with no access to lawyers, no charges, just because you're saying they're terrorists...", Giardina said. "I mean, what the hell?"

Génesis Lozada Sánchez said she and her younger brother Wuilliam are from a rural Venezuelan "cattle town" called Coloncito near Colombia. Following Venezuela's economic collapse, both she and Wuilliam lived in Bogota, where her brother saved up for the journey to the United States by making pants at a clothing factory. After he reached the border last January, Wuilliam was detained for more than a year, Génesis said.

On Friday, March 14, he called a cousin in the United States to say that he was about to be deported to Venezuela. "But to everyone's surprise, that's not what happened. They were kidnapped," Génesis said. "Why do I say kidnapped? These people have no ties to El Salvador. They haven't committed any crimes there. And they're not even Salvadoran. They don't even cross into El Salvador after going through the Darién Gap on their way to the United States. So, it's a kidnapping. They tricked these guys into signing papers by telling them they were being sent to Venezuela."

Like other men sent to El Salvador, Wuilliam has tattoos. But Génesis said that they have nothing to do with Tren de Aragua and that her brother has no criminal record. His goal had been to make enough money in the United States to help support their parents and to save up enough to hopefully open a clothing factory back home.

Other reporting and court briefs further support the families' suspicions that their loved ones were primarily targeted for deportation because of their tattoos. In one instance, a professional soccer player, whose attorney said had fled Venezuela after protesting against the Maduro regime and being tortured, was accused of gang membership based on a tattoo similar to the logo of his favorite team, Real Madrid.

John Dutton, a Houston-based immigration attorney, said that he started noticing ICE officers detaining Venezuelans during check-ins due to their tattoos earlier this year. "If they notice they have a tattoo, they're just taking them into custody," he explained. "No more questions to ask." Dutton estimated he now has about a dozen clients who have been arrested because of tattoos.

One of his clients, Henry Albornoz Quintero, was due in court for a bond hearing last Wednesday after being taken into detention at a routine ICE check-in. “I show up. The judge asked me where my client is,” the Houston lawyer said. “I asked the same question to the DHS attorney. She looked at her notes, shuffled papers around as if she’s gonna find the answer in there, looks up, and said, ‘Judge, I don’t know.’”

Dutton told the judge that his client might be in El Salvador; his relatives had recognized him in one of the images of people at CECOT. The judge then decided not to hear the case on the grounds that he no longer had jurisdiction. “You could tell he wanted to help me,” Dutton added. “He just couldn’t. There’s nothing he could do.”

The next day, Albornoz’s name appeared on the list of people imprisoned in El Salvador. So far, Albornoz is the only one of Dutton’s clients to be sent there. His wife is nine months pregnant with their first child.

“They didn’t just deport these people and then set them free,” says Ilya Somin, a law professor at George Mason University. “They sent them to El Salvador, where that country, at the behest of the United States, is incarcerating them for at least a year in their prison system. This is not just deportation without due process. This is imprisonment without due process in a foreign prison system that has terrible conditions. That’s a pretty blatant violation of the Fifth Amendment’s due process clause, which says that you can’t take away people’s life, liberty or property without due process of law.”

**Until Thursday**, March 20, Barbara Alexandra Manzo still wasn’t sure if her brother Lainerke Daniel Manzo Lovera was among those sent to El Salvador and transferred to CECOT. The family hadn’t heard from him since that Saturday, when he called from El Paso, Texas, to say they were deporting him to Venezuela or Mexico. Her confirmation also came when she saw his name on the CBS News list.

Barbara Alexandra told *Mother Jones* that Lainerke didn’t even have a tattoo before he left Venezuela in December 2023. He got one—a clock on his arm—while living and working in Mexico, waiting for a CBP One appointment. It was a gift from a roommate who had been given a date before he did. Last October, Lainerke showed up at the border and was sent to ICE detention; first in San Diego, then briefly in Arizona. He had a court hearing scheduled for March 26.

“My son went to look for a better future, the American Dream,” his mother Eglee Xiomara said in a video. “And it didn’t come true. That was the worst trip he has ever made in his life.”

Lainerke has yet to meet his six-month-old daughter, who was born in the United States. “He’s never been in prison,” Barbara Alexandra said. “[We’re wondering] if he’s ok or if something is happening to him. And we’ll never know because we have no recourse.”

Nelson Suárez fears that he, too, could meet the same fate as his brother Arturo, the Venezuelan musician. Even during the first Trump administration, the fact that Nelson has Temporary Protected Status and a pending asylum case would have been enough to protect him from deportation. But there are no guarantees that it will be now. If Judge Boasberg’s temporary restraining order is lifted or overturned, he could be immediately deported to Venezuela, or sent to El Salvador, without due process. He doesn’t know if he will walk out of a scheduled check-in with ICE in May free or in chains.

“I’m really scared,” he said last week. “My three daughters are here with me. My wife is here. My kids are in school. I don’t know what could happen. Since this happened to my brother, I really haven’t been able to sleep. I have no peace, no sense of calm. I’m afraid to go out on the street. But at the same time, we have to go out to work and get things done.”



# EXHIBIT 11

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US



## 'Deported because of his tattoos': has the US targeted Venezuelans for their body art?

US claims tattoos prove membership of Tren de Aragua gang but relatives describe tributes to God, family and Real Madrid

By [Tom Phillips](#) and [Clavel Rangel](#)

Deported because of his tattoos - has the US targeted Venezuelans for their body art? | US Immigration | The Guardian

Venezuela migrants who have been caught up in Trump's crackdown, seemingly in part because of their tattoos.  
Composite: Supplied

Thu 20 Mar 2025 19:42 EDT

Like many Venezuelans of his generation, Franco José Caraballo Tiapa is a man of many tattoos.

There is one of a rose, one of a lion, and another - on the left side of the 26-year-old's neck - of a razor blade that represents his work as a barber.

Two other tattoos pay tribute to Caraballo's eldest daughter, Shalome: a pocket watch featuring the time of her birth and some black lettering on his chest that spells out the four-year-old's name.

"He's just a normal kid ... he likes tattoos - that's it," said Martin Rosenow, a Florida-based attorney who represents the Venezuelan asylum seeker - one of [scores shipped to El Salvador by the Trump administration last weekend](#) as part of his hard-line immigration crackdown.



Tattoos on the body of Franco José Caraballo Tiapa.

Caraballo's fondness for body art may have been his undoing. For when the father of two was detained by US immigration officials in Dallas last month, they appear to have taken those tattoos as proof that he was a member of [Venezuela's most notorious gang, Tren de Aragua](#).

An official Department of Homeland Security document issued in early February and reviewed by the Guardian states: "[The] subject [Caraballo] has been identified as a Member/Active of Tren de Aragua" although it does not explain how agents reached that conclusion. The same document notes that Caraballo - who it calls a "Deportable/Excludable Alien" - has several tattoos and no known criminal history "at this time".

Rosenow rejected the idea that the images inked on to his client's skin indicated gang membership. "It's specious - there's no basis [for this conclusion]," he said. "Experts in Venezuela who study the gang have all stated that there are no tattoos that associate gang members. It's not like the Central American MS-13 gang where tattoos are relevant in their organization."

"Tren de Agua has no [specific] tattoos," Rosenow continued. "If you see pictures [of actual Tren de Aragua members arrested in the US], they're shirtless and many of them don't even have tattoos."

"I'm nauseated by it all. I'm distressed for these individuals. I'm sad for what this means. As an American, for me it's disgraceful that we would violate human rights so flagrantly on an international level."

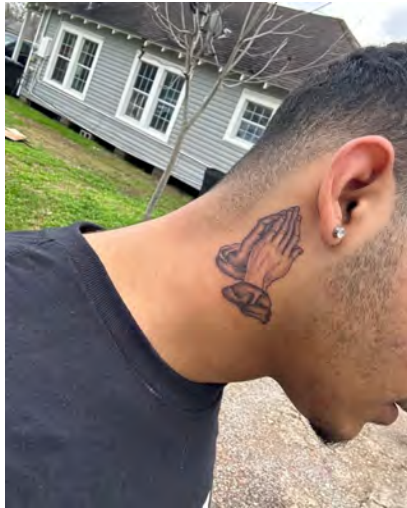
Caraballo, who hails from the Venezuelan state of Bolívar and entered the US over its southern border in October 2023, is one of several Venezuelans

whom immigration officials appear to have identified as gang members based on little more than their nationality and their tattoos.

### **Daniel Alberto Lozano Camargo**

Daniel Alberto Lozano Camargo, a 20-year-old asylum seeker from Maracaibo in western Venezuela, lived in Houston, Texas where he washed cars for a living, advertising his services on Facebook.

His partner, a US citizen called Leslie Aranda, said he was arrested last November after being contacted by a supposed client. She has not heard from him since last Friday, when Donald Trump invoked sweeping wartime powers called the Alien Enemies Act to deport people considered a threat, such as members of Tren de Aragua, which was last month designated a foreign terrorist organization.



Daniel Alberto Lozano Camargo.

Like other Venezuelans who were deported, Lozano has several tattoos, said Aranda, 25. He has the name of his partner's daughter, Danessy, on one arm. A rose. The name of his niece, Eurimar, with a crown over the letter E. Praying hands on his neck. His father's name, Adalberto, and his initials. Lozano also has the date of his anniversary with Aranda: 19 January 2023. Another tattoo reads "King of Myself."

"I know his father's name is significant to him because he died when Daniel was young. And I also know he didn't really like the rose tattoo because a friend who was practising did it. Daniel loves art and tattoos - that's why he has them," Aranda said.

Lozano's mother, Daniela, who is also in the US, said: "They violated his human rights - it's an injustice. He doesn't belong to any gang."

### **Neri José Alvarado Borges**

The sister of Neri José Alvarado Borges, another Venezuelan deported to El Salvador, said the 24-year-old also had tattoos that relatives suspect may have led to him being wrongly identified as a criminal.

One says "Family", another says "Brothers" and a third, on his left thigh, features the name of his younger brother, Neryelson, who is autistic, and the rainbow-colored ribbon of the autism acceptance movement.





Neri José Alvarado Borges.

“None of these tattoos has anything at all to do with the Tren de Aragua,” said his sister, Lisbengerth Montilla, 20. “But for them [immigration authorities] anyone with a tattoo is connected to Tren de Aragua.”

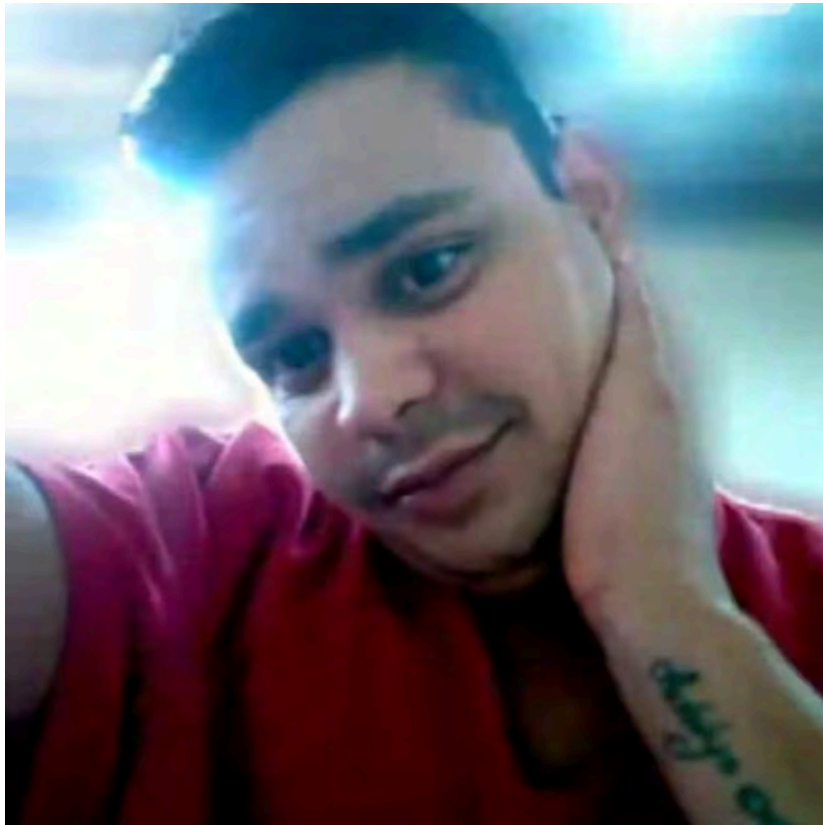
Montilla said her brother was no gangster. In fact, he was a psychology student who had been forced to abandon his studies and migrate to the US nine months ago because of [Venezuela's economic collapse](#).

After trekking through the perilous Darién Gap jungle and entering the US, Alvarado, who has no criminal history, built a life in Dallas where he worked in a bakery.

“Many of us have come here because of the situation back in our country,” said Montilla, who also lives in the US. “There were times when we didn’t even have food to eat or have the money to buy anything. Many people fled because of the dictatorship in Venezuela, seeking a better future.

“Not all of those people [deported to El Salvador] are criminals - and not all Venezuelans are bad people. We are from a decent, hard-working and upstanding family. We’ve never had problems with anybody.”

**Luis Carlos José Marcano Silva**



Luis Carlos José Marciano Silva.

Luis Carlos José Marciano Silva, a 26-year-old barber from the Venezuelan island of Margarita, was detained at an immigration hearing in Miami last month. His tattoos also seemingly played a role in his detention and deportation to El Salvador.

One, on Marciano's belly, shows the face of Jesus of Nazareth. Another, on his arm, shows an infinity symbol while a third features the name of his daughter, Adelys. His chest is emblazoned with the image of a crown.

"[At the hearing] all they kept telling him was that he belonged to the Tren de Aragua gang. When his wife contacted the lawyer, they said it was probably because of his tattoos," said Marciano's mother, Adelys del Valle Silva Ortega, denying that her son has any links to the crime group or even a criminal record.

"I feel frustrated, desperate. I imagine they are not treating him well. I've already seen videos of that prison," Silva said of the notorious Salvadoran "anti-terrorism" jail where her son is now thought to be incarcerated. "I think of him every moment, praying to the Virgin of the Valley [a Venezuelan patron saint] to protect him."

#### **Jerce Reyes Barrios**

The lawyer for a fifth Venezuelan man deported to El Salvador, a former professional footballer called Jerce Reyes Barrios, 36, has also claimed his tattoos played a role in sealing his fate.

Reyes's tattoos include one of a crown sitting atop a soccer ball with a rosary and the word "Dios" (God). In a sworn declaration, his California-based attorney, Linette Tobin, said the Department of Homeland Security had alleged this tattoo was proof of gang membership.

"In reality, he chose this tattoo because it is similar to the logo for his favourite soccer team, Real Madrid," Tobin said in her statement on Wednesday.

Deported because of his tattoos. Has the US targeted Venezuelans for their body art? US Immigration | The Guardian

Tobin rejected the idea that her client was a gang member and said he had fled Venezuela in early 2024 after being detained at an anti-government demonstration by security forces. Reyes was subsequently “taken to a clandestine building where he was tortured” with electric shocks and suffocation.

Tobin said US immigration officials had reviewed her client’s social media posts and found one in which he made “a hand gesture that they allege is proof of gang membership”.

“In fact, the gesture is a common one that means I Love You in sign language and is commonly used as a rock’n’roll symbol,” Tobin said.

### **Francisco Javier García Casique**

Sebastián García Casique, the brother of a sixth Venezuelan deported to El Salvador, said his sibling, Francisco Javier García Casique, also had tattoos, including of a rose, a compass and a phrase reading: “God chooses his toughest battles for his best warriors.”



Francisco Javier García Casique.

A fourth tattoo says: “Vivir el momento” (Live in the Moment). A fifth says in English: “Family”.

In September 2021 García posted an Instagram video of a tattoo of a timepiece being inked on to his right arm by an artist in Peru, where he then lived. “My tattoo in tribute to my two grandmas who I love and miss a lot,” García wrote.

### **Anyelo Sarabia González**

In a sworn declaration, the sister of Anyelo Sarabia González, Solanyer Michell Sarabia González, said her 19-year-old brother had been detained by immigration agents at the start of this year in Dallas and that those agents had asked “about a tattoo that is visible on his hand” showing a rose with money as its petals.

“He had that tattoo done ... because he thought it looked cool,” González’s sister said, adding that she believed her brother had been sent to El Salvador “under the false pretence that he was a member of Tren de Aragua”.

“The tattoo has no meaning or connection to any gang,” said González, 25. Two other tattoos on her brother’s body - of the phrases “strength and courage” and “I can do all things through Christ who strengthens me” - were also not gang-related, she said.

**Franco José Caraballo Tiapa**

Rosenow also saw no indication that his client - who he said had sought asylum on the basis of political persecution after taking part in opposition protests - was involved in the Venezuelan gang. He said Caraballo's "cheesy" and romantic Instagram posts indicated he was not "a vicious gang member".



Franco José Caraballo Tiapa

A Venezuelan criminal background check issued earlier this month indicates Caraballo has no criminal record there. Francisco Javier García Casique's family has also published evidence that he had no criminal record back home.

The White House has described the Venezuelans deported to El Salvador as "heinous monsters" and terrorists but has yet to release detailed information about their identities, let alone their alleged crimes.

On Thursday afternoon CBS News published an internal government **list** of the 238 Venezuelan deportees, which included the names of all of the men in this story.

On Monday, a senior official from immigration and customs enforcement, Robert Cerna, admitted that "many" of those removed from the US under the Alien Enemy Act did not have criminal records in the US, but he nevertheless said they were Tren de Aragua members.

The fact that those people did not have a criminal record "is because they have only been in the country for a short period of time", Cerna said.



# EXHIBIT 12

# Intelligence Assessment Said to Contradict Trump on Venezuelan Gang

To invoke wartime deportation powers, President Trump asserted that Venezuela's government controls a gang. U.S. intelligence analysts think that is not true.



**By Charlie Savage and Julian E. Barnes**

Reporting from Washington

Published March 20, 2025 Updated March 22, 2025

President Trump's assertion that a gang is committing crimes in the United States at the direction of Venezuela's government was critical to his invocation of a wartime law last week to summarily deport people whom officials suspected of belonging to that group.

But American intelligence agencies circulated findings last month that stand starkly at odds with Mr. Trump's claims, according to officials familiar with the matter. The document, dated Feb. 26, summarized the shared judgment of the nation's spy agencies that the gang was not controlled by the Venezuelan government.

The disclosure calls into question the credibility of Mr. Trump's basis for invoking a rarely used wartime law, the Alien Enemies Act of 1798, to transfer a group of Venezuelans to a high-security prison in El Salvador last weekend, with no due process.

The intelligence community assessment concluded that the gang, Tren de Aragua, was not directed by Venezuela's government or committing crimes in the United States on its orders, according to the officials, speaking on the condition of anonymity to discuss internal deliberations.

Analysts put that conclusion at a “moderate” confidence level, the officials said, because of a limited volume of available reporting about the gang. Most of the intelligence community, including the C.I.A. and the National Security Agency, agreed with that assessment.

Only one agency, the F.B.I., partly dissented. It maintained the gang has a connection to the administration of Venezuela’s authoritarian president, Nicolás Maduro, based on information the other agencies did not find credible.

“Multiple intelligence assessments are prepared on issues for a variety of reasons,” the White House said in a statement. “The president was well within his legal and constitutional authority to invoke the Alien Enemies Act to expel illegal foreign terrorists from our country.”

A spokesman for the Office of the Director of National Intelligence declined to comment.

Mr. Trump’s extraordinary use of wartime powers to advance his immigration crackdown has edged the administration closer to a constitutional clash with the judiciary. A judge in Washington is considering whether the administration violated his order blocking, for now, the expulsion of migrants under the law. The Justice Department denounced the order as infringing on Mr. Trump’s national security powers and asked an appeals court to overturn it.

The Alien Enemies Act empowers the executive branch to summarily remove foreign citizens whose government is in a declared war with the United States or is otherwise invading or engaged in a “predatory incursion” into American territory. The government last used the law in the internment and repatriation of Japanese, Italian and German citizens during and after World War II.

On its face, the law appears to require not just an invasion or incursion, but a link to the actions of a foreign government.

German immigrants being prepared for deportation in Hoboken, N.J., during World War I in 1918. The Alien Enemies Act has been used to repatriate immigrants during World War I and II. Universal History Archive/Universal Images Group, via Getty Images

In his proclamation, Mr. Trump effectively summoned such a link into legal existence by saying that he had determined that Tren de Aragua was a proxy for the Venezuelan government and committing crimes in the United States at its direction because Mr. Maduro sought to destabilize the country.

“I make these findings using the full extent of my authority to conduct the nation’s foreign affairs under the Constitution,” Mr. Trump said.

But Mr. Trump’s key factual assertions contradicted the earlier intelligence assessment, the officials said. It concluded that the gang was not acting at the direction of the Maduro administration and that the two are instead hostile to each other, citing incidents in which Venezuelan security forces exchanged gunfire with gang members.

Because available information in the world of intelligence is often imperfect or incomplete, analysts assign levels of confidence to factual assertions and conclusions. Such caveats indicate that even if most or all the currently available



evidence points in one direction, it remains possible that something else might turn up that would change their minds.

The overall conclusion was put at “moderate” confidence, and some supporting points put at “low” confidence, the officials said, because there was not as much reporting as analysts typically want to have “high” confidence. The United States has long scrutinized the government of Venezuela, but only recently has it begun to focus on Tren de Aragua, they said.

The assessment, according to one official, also portrayed the gang as lacking the resources and being too disorganized — with little in the way of any centralized command-and-control — to be able to carry out any government orders. And, the official said, the assessment says that while a handful of corrupt Venezuelan officials have ties to gang members, that does not amount to the gang’s being under the sway of the government as a whole.

The assessment, this official also said, asserts that when the State Department designated the gang as a foreign terrorist organization last month at Mr. Trump’s direction, a minister in the Maduro administration publicly praised the action. (The administration’s move broke with the practice of limiting “terrorism” designations to organizations that are clearly ideologically motivated.)

Federal courts typically defer to the executive branch’s factual declarations about what is happening and why, rather than probing for what may actually be going on. That is particularly the case in matters of national security and foreign policy.

But such deference is premised on the idea that officials are making determinations in good faith and drawing on executive branch resources like intelligence agencies to evaluate fast-moving and sometimes dangerous situations. Mr. Trump’s pattern of distorting the truth is testing that practice.

The administration’s insistence that all the men it sent to El Salvador are members of Tren de Aragua has also been challenged. In one court filing, an official acknowledged that many have no criminal records but said the dearth of details

only underscored that “they are terrorists with regard to whom we lack a complete profile.”

Lawyers for some of the migrants have collected statements from family members and others denying involvement in the gang. A lawyer for one detainee, for example, identified her client as a soccer player who had been tortured for participating in anti-Maduro protests and so fled to the United States to request asylum.

The lawyer said U.S. officials accused him of being a Tren de Aragua member based on a tattoo and on a hand gesture he made in a picture on social media. But, she said, the tattoo was a version of a soccer team logo, and the hand gesture was a common “rock ’n’ roll” symbol.

Mr. Trump’s proclamation cited scant evidence for his core finding that Tren de Aragua as an organization has been committing crimes to destabilize the United States “at the direction, clandestine or otherwise, of the Maduro regime in Venezuela.”

Its most concrete detail was that the gang had expanded from 2012 to 2017, when Tareck El Aissami served as governor of the region of Aragua, and in 2017 Mr. Maduro appointed him as vice president. But the proclamation omitted that Mr. Aissami is no longer part of the Maduro administration, which is prosecuting him on corruption charges.

Tareck El Aissami was appointed as vice president by Mr. Maduro in 2017, after serving as governor of the Venezuelan region of Aragua. Mr. Aissami is now being prosecuted by the Maduro administration. Matias Delacroix/Associated Press

On Saturday, as planeloads of Venezuelan migrants were being flown to El Salvador, Judge James E. Boasberg, the chief judge of the Federal District Court for the District of Columbia, temporarily barred the administration from summarily removing people based on the Alien Enemies Act.

A former prosecutor, he was first appointed to the bench by a Republican president and elevated to his current role by a Democratic one. His decision to block the Trump administration's deportations under the law has outraged the president and his allies, prompting Mr. Trump to call for his impeachment.

The administration has appealed to the Court of Appeals for the District of Columbia Circuit. The case is now before Judges Karen Henderson and Justin Walker, both Republican appointees, and Patricia Millett, a Democratic appointee.

Appeals courts typically reject challenges to temporary restraining orders. But the panel has ordered expedited briefings and scheduled arguments, suggesting it is considering deciding on the legal merits of Mr. Trump's invocation of Alien

Enemies Act powers.

Any ruling could turn in part on whether the judges accept Mr. Trump's assertions about Tren de Aragua and its supposed ties to the Venezuelan government, as the administration has insisted.

The Justice Department wrote that "the determination of whether there has been an 'invasion' or 'predatory incursion,' whether an organization is sufficiently linked to a foreign nation or government, or whether national security interests have otherwise been engaged so as to implicate the A.E.A., is fundamentally a political question to be answered by the president."

**Charlie Savage** writes about national security and legal policy. More about Charlie Savage

**Julian E. Barnes** covers the U.S. intelligence agencies and international security matters for The Times. He has written about security issues for more than two decades. More about Julian E. Barnes

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A version of this article appears in print on , Section A, Page 13 of the New York edition with the headline: Analysis by Spy Agencies Challenges Trump's Basis For Scrutiny of Venezuela

# EXHIBIT 13



IMMIGRATION

## Tattoos of deported Venezuelans don't necessarily signal gang affiliation, experts say

Relatives of some Venezuelan deportees believe the men were targeted as Tren de Aragua members based on their tattoos, but a gang expert said this isn't a reliable identifier.



— The Trump administration on March 16 deported to El Salvador 238 people it claimed were members of Venezuela's Tren de Aragua gang and 23 people it said belonged to MS-13.

El Salvador Presidency handout / Getty Images

March 21, 2025, 12:22 PM PDT

**By Nicole Acevedo, Deon J. Hampton and David Noriega**

Nike's Jumpman, roses and a popular phrase from a Donald Trump-supporting Puerto Rican rapper: These are some of the tattoos defense lawyers and relatives say helped authorities accuse several Venezuelan men of belonging to Tren de Aragua gang.

The men were not deported to their homeland last weekend but were instead sent to El Salvador, where they were jailed in a notorious megaprison, raising questions about whether they were given due process.

Lawyers for at least five men have said in court filings this week that the U.S. government apprehended their clients in part because of tattoos that immigration authorities believed signaled ties to the gang.

Law enforcement and immigration officials have said in the past they've had a challenging time identifying legitimate members of the Venezuelan criminal organization. Often the only information they do have to identify individuals is alleged gang tattoos.

In the case of the recent deportation flights, Robert Cerna, the acting field office director of enforcement and removal operations at Immigration and Customs Enforcement, said in a sworn declaration on Monday that officials did not solely rely on tattoos to identify the deportees as alleged gang members.

But family members and attorneys are contesting that assertion, saying the inkings in question merely indicate the men are sports fans or family men, not gang members. They believe their clients and deported relatives were falsely accused and targeted because of their tattoos, and denied the men are connected to Tren de Aragua at all.

## What is 'Tren De Aragua'? Explaining the gang at center of Trump's immigration crackdown

04 : 40



Other Latin American gangs, such as the Salvadoran group MS-13, are known to use certain tattoos to identify their membership.

But that's not the case with the Venezuelan gang Tren de Aragua, according to Ronna Risquez, an expert on the group who authored the Spanish-language book "The Tren de Aragua: The Gang That Revolutionized Organized Crime in Latin America."

Risquez said tattoos are not closely connected with affiliation to Tren de Aragua. When asked if there's a specific tattoo that identifies Tren de Aragua members, [Risquez told Noticias Telemundo](#), "Venezuelan gangs are not identified by tattoos."

"To be a member of one of these Venezuelan organizations, you don't need a tattoo," she said in Spanish. "You can have no tattoos and still be part of Tren de Aragua. You can also have a tattoo that matches other members of the organization."

Law enforcement and [immigration officials](#) across the nation have [linked several tattoos](#) to Tren de Aragua: stars on shoulders, [crowns](#), firearms, grenades, trains, dice, predatory felines, gas masks, [clocks](#), [the Illuminati sign](#) and the jersey number 23 – which basketball players including Michael Jordan and LeBron James made famous – in addition to tattoos of roses and the Jumpman logo.





### Families of deported Venezuelans are distraught their loved ones were sent to El Salvador

Other [tattooed phrases](#) law enforcement says are associated with the gang include “Hijos de Dios” (Sons of God), or its abbreviation “HJ,” and “[Real Hasta la Muerte](#)” (Real Until Death).

The government of El Salvador stated this week that hundreds of men deported from the U.S. last weekend were members of Tren de Aragua. In a [propaganda-style video](#), the detainees were shown handcuffed in a crouched position as their heads were being shaved ahead of their transfer to the [CECOT megaprison](#), according to [El Salvador’s Press Secretariat](#).

The video shows some prisoners who have tattoos: One man sports ink of a rose, an Illuminati symbol and the Jumpman logo, inspired by Michael Jordan – all tattoos previously cited by police and immigration authorities as evidence of [ties to Tren de Aragua](#).

But [Risquez](#) said that gang members also sport tattoos considered culturally popular at the moment and popular among the general public – such as “Real Hasta la Muerte” tattoos, a phrase popularized by [Anuel AA, the reggaeton singer](#).

“This guy is [loved by many Venezuelans](#) and by many Latin Americans who have adopted this tattoo, and they’ve gotten that tattoo,” [Risquez](#) said. “So that tattoo can’t be associated with Tren de Aragua because there are many people who aren’t from the Tren de Aragua, including Anuel, who have that tattoo.”



— A photo from U.S. Border Patrol of what it said are Tren de Aragua tattoos. U.S. Border Patrol

The Trump administration views Tren de Aragua as a national security threat, saying dangerous members have entered the country illegally. In the U.S., [law enforcement has accused](#) dozens of people of belonging to the gang in at least 14 states, according to an NBC News analysis.

The administration has repeatedly cited Tren de Aragua as the embodiment of the criminal immigrant as part of the president's aggressive immigration enforcement agenda, which has included sending hundreds of [Venezuelan immigrants to the U.S. naval base in Guantanamo Bay](#),



Cuba, and to the Salvadoran megaprison, as well as stripping hundreds of thousands more of temporary legal status in the U.S.

Targeting Venezuelans because of their tattoos is “wrong and outrageous,” said Bill Hing, a law professor at the University of San Francisco and co-director of the school’s immigration and deportation defense clinic.

“It’s very evident that just having a Michael Jordan tattoo does not necessarily mean that a person is a gang member,” said Hing, who has represented hundreds of asylum-seekers from Central America, Colombia and Venezuela.

A neck tattoo of the Jumpman logo was allegedly among the reasons one man was detained at Guantanamo along with 176 other Venezuelans, according to documents filed in a lawsuit by the American Civil Liberties Union and other groups.

“Jordan is popular around the world, and for many Venezuelans he’s part of their fashion,” Hing said. He echoed Risquez in saying that most people get tattoos based on pop culture references as well as their geographical or ancestral roots, racial pride and religion.



### **Why the men who were sent to El Salvador’s mega-prison may never make it out**

Families and lawyers fear for the deportees who may face indefinite detention in a prison known for

The idea that a Jordan tattoo or jersey would be used to link someone with Tren de Aragua is close to laughable, said Risquez.

The Department of Homeland Security did not respond to a request for comment. But on Tuesday, the White House said in a statement in response to the deportation flights to El Salvador that it was “confident in DHS intelligence assessments on these gang affiliations and criminality.” It added that the Venezuelan immigrants who were removed from the U.S. had final orders of deportation, though some attorneys and family members of the deportees are contesting that.

“This administration is not going to ignore the rule of law,” the statement said.

Hundreds of Venezuelans have since been removed from the U.S. under [the Alien Enemies Act](#), which allows the president to expeditiously deport noncitizens during wartime.

Trump invoked this law after he claimed the gang was invading the United States. That justification is now [the heart of dispute between Department of Justice lawyers and a federal judge](#).

But in assessing the use of tattoos as a main identifier of gang affiliation, Risquez pointed out that as in all parts of the world, the only way to determine that a person is a delinquent or criminal is “to conduct a police investigation” [and “grant them due process.”](#)



Nicole Acevedo

Nicole Acevedo is a reporter for NBC Latino.

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Deon J. Hampton

Deon J. Hampton is a national reporter for NBC News.

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David Noriega

David Noriega is an NBC News correspondent based in Los Angeles.

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Sarah Ford, Damià Bonmatí, Daniella Silva, Gary Grumbach and Carmen Sesin contributed.

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# EXHIBIT 14

The Trump administration sent them to a prison in El Salvador under a wartime act, calling them members of a Venezuelan gang. But a New York Times investigation found little evidence of criminal backgrounds or links to the gang.

**By Julie Turkewitz, Jazmine Ulloa, Isayen Herrera, Hamed Aleaziz and Zolan Kanno-Youngs**

Published April 15, 2025 Updated April 16, 2025, 11:12 a.m. ET

*Follow live updates on the Trump administration here.*

Nathali Sánchez last heard from her husband on March 14, when he called from a Texas detention center to say he was being deported back to Venezuela. Later that night, he texted her through a government messaging app for detainees.

“I love you,” he wrote, “soon we will be together forever.”

Her husband, Arturo Suárez Trejo, 33, a musician, had been in American custody for a month, calling every few days to assure his family that he was OK, his relatives said. Now, the couple believed they would reunite and he would finally meet his daughter, Nahiara, who had been born during his brief stint as a migrant in the United States.

But less than a day later, Mr. Suárez was shackled, loaded onto a plane and sent to a maximum-security prison in El Salvador, according to an internal government list of detainees obtained by The New York Times. Around the time Mr. Suárez was texting his wife, the Trump administration was quietly invoking the Alien Enemies Act, a sweeping wartime power that allows the government to swiftly deport citizens of an invading nation.

Mr. Suárez and 237 others, the Trump administration argued after the order became public, were all members of a Venezuelan gang called Tren de Aragua, which was “aligned with” the Venezuelan government and was “perpetrating” an invasion of the United States.



Ms. Sánchez with a photo of her husband, Mr. Suárez. Cristobal Olivares for The New York Times





Ms. Sánchez showing the last messages Mr. Suárez sent before she lost contact with him. “I love you with my life,” he wrote. Cristobal Olivares for The New York Times

It was an extraordinary move: The act has only been invoked three times in American history, experts say — most recently in World War II, when it was used to detain German, Italian and Japanese people.

And in this case, the Venezuelan men were declared “alien enemies” and shipped to a prison with little or no opportunity to contest the allegations against them, according to migrants, their lawyers, court testimony, judges and interviews with dozens of prisoners’ families conducted by The New York Times.

The government’s public declaration of the act was made on March 15 at 3:53 p.m., according to court records. The migrants were all on flights to El Salvador by 7:36 p.m.

Yet most of the men do not have criminal records in the United States or elsewhere in the region, beyond immigration offenses, a New York Times investigation has found. And very few of them appear to have any clear, documented links to the Venezuelan gang.

As they were being expelled, the detainees repeatedly begged officials to explain why they were being deported, and where they were being taken, one of their lawyers told the courts. At no point, the lawyer said, did officers indicate that the men were being sent to El Salvador or that they were removed under the Alien Enemies Act.

The Alien Enemies Act gives the U.S. government broad powers to detain people during times of war, but Supreme Court rulings make clear that detainees have a right to challenge the government, and are entitled to a hearing, before their removal.

Last month, an appeals court judge criticized the lack of due process under the Trump administration. “Nazis got better treatment under the Alien Enemy Act,” said Judge Patricia Millett.

Then, last week, all nine Supreme Court justices said that targeted individuals must be given time to contest their removal before they’re expelled — and demanded that the Trump administration provide that opportunity going forward.

In court, the administration has argued that the men can still challenge their incarceration — but that will be difficult, if not impossible, because they are already in El Salvador, out of reach of the American justice system, with little access to lawyers or even their family members.

“They should stay there for the rest of their lives,” Kristi Noem, the homeland security secretary, said last week.

Then on Monday, President Nayib Bukele of El Salvador forcefully backed the administration during a visit to the White House. He flatly rejected the idea of returning a Maryland man who had been wrongfully deported to El Salvador,

despite the Supreme Court's instructions that the United States take steps to bring back the migrant.



Kristi Noem, the homeland security secretary, during a tour last month of the prison in El Salvador where deported migrants accused of being gang members are being held. Pool photo by Alex Brandon

Family members of Venezuelans deported to El Salvador protested in Caracas last month, demanding the release of their loved ones. “Migration is not a crime!” some shouted. Adriana Loureiro Fernandez for The New York Times

The Trump administration claims that all of the 238 Venezuelan men now imprisoned in El Salvador are members of Tren de Aragua, a transnational gang born in Venezuela. Their expulsion, the administration argues, is part of its plan to deport the worst migrant offenders.

Officials say they used criminal records, social media, surveillance data, interviews with migrants and other information, like tattoos, to make their accusations.

But a Times investigation found little evidence of any criminal background — or any association with the gang — for most of the men. In fact, the prosecutors, law enforcement officials, court documents and media reports that The Times uncovered or spoke to in multiple countries suggested that only a few of the detainees might have had any connection to Tren de Aragua.

Seeking to provide a fuller picture of who was imprisoned, a team of Times reporters and researchers ran the 238 names through three U.S. public records databases, checked backgrounds in Venezuela, Colombia, Peru, Ecuador and Chile, scoured court documents and news articles, spoke to dozens of family members and interviewed experts on Tren de Aragua.

The findings are not comprehensive — there is no global public database to search for every accusation, and the U.S. government did not share its evidence against the detainees. But The Times's investigation provides a snapshot of who the United States sent to El Salvador.

Some of the prisoners do appear to have committed grave crimes. At least 32 of the men sent to El Salvador have faced serious criminal accusations or convictions in the United States or abroad, including a man accused of participating in an assault in Chicago, another convicted of trying to smuggle arms out of the United States and others accused of theft, strangulation, domestic battery or harboring undocumented immigrants.

One has a homicide conviction in Venezuela, according to court documents. Another man was accused in Chile of kidnapping, drugging and raping a woman during a four-day rage.

Chilean prosecutors also believe the man is a member of Tren de Aragua, according to court documents. Investigators say they found his name and messages in the phones of other gang members.

Beyond that, The Times found that another two dozen of the men locked up in El Salvador had been accused or found guilty of lower-level offenses in the United States or elsewhere, including trespassing, speeding in a school zone and driving an improperly registered vehicle.

But for the others, including Mr. Suárez, the musician, The Times found no evidence of a criminal background, beyond offenses related to being unauthorized migrants. Mr. Suárez's family presented official certificates from Venezuela,



Colombia and Chile — where he lived in the past — saying he had no convictions in those nations.

All 238 men will spend at least a year in El Salvador’s Terrorism Confinement Center, a sprawling complex of concrete and barbed wire built by President Nayib Bukele, who has called himself “a dictator” and promoted the prison as a holding pen for his country’s worst criminals.

The Terrorism Confinement Center in Tecoluca, El Salvador. Salvador Melendez/Associated Press

Guards outside the prison where the migrants are being held. Pool photo by Alex Brandon

The United States is paying the government of El Salvador to incarcerate the Venezuelan prisoners. On X, the Salvadoran leader called the yearlong sentence “renewable.”

The U.S. government’s use of the alien act is now the subject of an intense court battle between the administration and civil rights groups, including the American Civil Liberties Union, whose lawyers say the government has not met the standard to invoke the measure: a war with or invasion by Venezuela.

The groups also argue the government has violated the migrants’ rights to contest the accusation that they are members of Tren de Aragua and therefore “alien enemies.”

In court, the government has said that it has broad powers to determine what constitutes a war or invasion, as well as to decide who is a member of the gang, which the administration recently designated a foreign terrorist organization.

This week, the Supreme Court said the Trump administration could continue deporting people using the Alien Enemies Act while the legal fight plays out in the courts — as long as detainees have a chance to challenge their expulsions.

In a related case, the Supreme Court this month also ordered the Trump administration to take steps to return the Maryland man, Kilmar Abrego García, whom the government conceded it had sent to El Salvador in error.

In that case, a judge found that the government had decided Mr. García was a member of another notorious gang, MS-13, on the basis of flimsy evidence.

As for the prisoners accused of belonging to Tren de Aragua, a spokeswoman for the Department of Homeland Security, Tricia McLaughlin, said that all the men sent to El Salvador are “actually terrorists, human rights abusers, gangsters and more; they just don’t have a rap sheet in the U.S.”

“We are confident in our law enforcement’s intelligence,” she added. “We have a stringent law enforcement assessment in place that abides by due process.”

The raids targeting Venezuelan migrants began just after Mr. Trump took office.

Officials from Immigration and Customs Enforcement seized Neri Alvarado, 25, a former psychology student, in a parking lot as he headed to work at a Dallas bakery, said his sister and his boss. Authorities picked up Francisco García Casique, 24, a barber, at his home in Austin, Texas, his family said. They grabbed Gustavo Aguilera Agüero, 27, an Uber driver, while he was working on his car in a driveway outside Dallas, according to his mother.

Izaida Alvarado in the room she used to share with her brother, Neri Alvarado, in Yaritagua, Venezuela.

Adriana Loureiro Fernandez for The New York Times

Neri Alvarado's mother, Yelitza Borges, at home in Yaritagua, Venezuela. Adriana Loureiro Fernandez for The New York Times

Mr. Suárez, the musician, came from a once middle-class family in Venezuela, the second oldest of seven siblings. His mother was an educator, his father a bricklayer. In 2014, he joined mass protests against the country's authoritarian government, said his older brother, Nelson Suárez, 35, who now lives in the United States.

But when the country's autocratic leader, Nicolás Maduro, tightened his grip and the Venezuelan economy spiraled into crisis, leaving millions hungry, the younger Mr. Suárez left for Colombia, then Chile.

"Many times we had to run for our lives," said the older Mr. Suárez, "until we decided to leave."



In Chile, the younger Mr. Suárez installed refrigerators and began building a following as a singer, mixing rap, hip-hop and reggaeton.

“There’s no sin here; there’s no sentence,” he sang in one song, about a woman who works the streets to escape poverty.

He met his wife, Ms. Sánchez, at a music event.

In the United States, Mr. Suárez believed he could advance his music career, said his brother, and make money to send back to his growing family.

He entered the United States on Sept. 3 using a Biden-era application that allowed people to present themselves at the border and ask for entry, according to documents reviewed by The Times. Officials allowed him in with an order to appear in court on March 6, where he would have the opportunity to fight removal.

In North Carolina, he worked in landscaping, said his brother Nelson.

On Dec. 2, his daughter was born in Chile.

On Jan. 20, Mr. Trump became president.

On Feb. 8, Mr. Suárez arrived at a house in Raleigh to record a music video. But U.S. immigration agents showed up and hauled him away, according to the brother.

Soon, Mr. Suárez was in detention in Georgia, where he told his brother that an official had done a background check and reviewed his YouTube channel. Mr. Suárez told his brother that officials didn’t seem to believe he was guilty of anything more than being a migrant.

Relatives of Mr. Suárez protesting his deportation to El Salvador in Caracas, Venezuela. Adriana Loureiro  
Fernandez for The New York Times

Paola Paiva-Trejo in front of a mural honoring some of the Venezuelans deported to El Salvador, including her brother, Arturo Suárez. Adriana Loureiro Fernandez for The New York Times

“If this had been another moment, they would have let him go,” the brother said Mr. Suárez told him. “But since we are in this madness he was going to stay in the hands of ICE”

In dozens of interviews, family members said that once the men were detained, U.S. officials focused on their tattoos.

Mr. García, the barber, had the word “peace” written on his neck, accompanied by a crown, and had the names of his mother, grandmother and sisters on his body, said his family.

Mr. Aguilera, the Uber driver, had the name of his oldest son, Santiago, also accompanied by a crown, a star, a skull with flowers and the infinity symbol, according to his mother.

Mr. Alvarado, the former psychology student, had come to the United States to earn money to help his younger brother, who has autism, other disabilities and health problems, his family said.

Before leaving, Mr. Alvarado had inked on his leg a rainbow ribbon associated with autism awareness. His sister said it went with Mr. Alvarado's other tattoos, which read: "brothers," "family" and "self love."

Mr. Alvarado arrived in the United States with an autism awareness tattoo, which his family believes was used to tag him as a member of Tren de Aragua.

Mr. Alvarado's little brother, Neryelson, in Venezuela. Adriana Loureiro Fernandez for The New York Times

In an interview, Mr. Trump's border czar, Tom Homan, said tattoos were just one factor used to determine if an individual was a member of Tren de Aragua.

"I don't say it's a major factor," he said, "it's one of many."

But an internal government document made public in court filings indicates how much weight is given to tattoos.

The document, called the "Alien Enemy Validation Guide," instructs immigration officials to use a point system to identify members of Tren de Aragua. Eight points makes someone a "validated" member of the group. Having tattoos associated with the gang is worth four points.

Wearing clothing associated with the gang is worth another four.



A second government document indicates that the administration considers a crown tattoo — much like the one worn by soccer star Lionel Messi — and the “Jump Man” symbol, popularized by Michael Jordan, to be Tren de Aragua symbols.

Clothing associated with the gang includes “high-end urban street wear.”

In interviews, five Venezuelan experts on Tren de Aragua — two police officials, two scholars and a journalist — told The Times that while some transnational gangs use tattoos as indicators of membership, the Venezuelan group did not.

“In the case of the Tren de Aragua,” said Luis Izquier, a professor of criminology at Venezuela’s Central University, “there is no common pattern of similar tattoos among its members.”

While many Tren de Aragua members have tattoos, experts said, so do many young Venezuelan men.

Of the 30 men whose family members or lawyers spoke to the Times, at least 27 have tattoos.

Mr. Suárez has 33, said his family, reflecting his urban music aesthetic. They include one of his signature phrases, they said: “The future is bright.”

The Trump administration began to move dozens of detained Venezuelan men to facilities in Texas roughly two weeks before invoking the Alien Enemies Act.

On March 14 and 15, the men called their families to say that Americans officials had told them they were being deported back to Venezuela, according to dozens of interviews.

In Aragua state, in Venezuela, Mirelis Casique, the mother of Mr. García, the barber, rushed to fix up his room, applying new paint and hanging new curtains.

Mirelis Casique, the mother of Mr. García, in the room that was to be his upon his return to Venezuela. “I would put my hands in fire for my son, I know he’s not a criminal,” she said. Adriana Loureiro Fernandez for The New York Times

Ms. Casique with a photo of Mr. García. Adriana Loureiro Fernandez for The New York Times

But by March 16, the wife of Mr. Suárez, the musician, had still not heard from him. Her anxiety rising, she turned to Google.

“Deportation to Venezuela,” she typed into the search box.

By now, three flights carrying the 238 men had arrived in El Salvador, despite a judge’s order that the Trump administration turn them around.

That morning, Mr. Bukele had posted a video showing the new prisoners shackled and gripped by guards in riot gear being led into the prison.

“We removed terrorists,” Mr. Homan, the U.S. border czar, said from Washington. “That should be a celebration in this country.”

Online, Mr. Suárez's wife pulled up an image of a sea of shaved, cuffed men in Salvadoran prison. She recognized one: It was her husband.

Holding her newborn, she sat down and cried.

Later, she logged in to an online ICE search page that had allowed her to track her husband's whereabouts in the United States.

Mr. Suárez had suddenly disappeared from the system.

Never before, legal analysts say, has the Alien Enemies Act been used with such little due process.

During World War II, the Department of Justice established civilian hearing boards in which "registered aliens" of German, Italian and Japanese descent arrested by the government could argue they were not a danger to the nation, legal scholars said.

Many scholars have criticized that process as deeply flawed; detainees were not afforded lawyers and could still be held based on hearsay and bias or racial discrimination.

But Eric L. Muller, a professor at the University of North Carolina School of Law, said they nevertheless provided "a check" on the government, adding that the majority of people who obtained a hearing under the civilian boards were released.

Ms. Sánchez with her daughter, Nahiara, in Santiago. “This is no longer a dream,” Mr. Sánchez’s brother, Nelson, said of the musician’s incarceration. “I feel that am living the American nightmare.” Cristobal Olivares for The New York Times



Yuransi Gonzalez during a protest against the deportation of Venezuelans to El Salvador. Her son Anyelo Sarabia, 19, is among those imprisoned in the terrorism center. Adriana Loureiro Fernandez for The New York Times

In Venezuela, families have gathered for marches calling for the release of loved ones. Many have tried contacting American and Salvadoran officials, but say their messages have gone unanswered.

The governments of Mr. Trump and Mr. Bukele have refused to release a list of the men confined in the terrorism center or to confirm to families who is there.

For this article, The Times obtained an internal government list of names. CBS News previously reported the names.

The White House has said that 137 of the men were deported under the Alien Enemies Act, while 101 others were expelled under normal immigration proceedings. All are accused of being gang members, and all are in prison in El Salvador.

In recent weeks, Venezuela's autocratic leader has accused the Trump administration of engaging in a violation with a long grim history in Latin America: a large-scale "forced disappearance."

The United Nations defines the practice as the deprivation of liberty "followed by a refusal to disclose the fate or whereabouts of the persons concerned."

In a rare moment of agreement, Human Rights Watch has come to the same conclusion as the Venezuelan leader.

Mr. Suárez's brother says his biggest fear is that "tomorrow I get my brother back — in a wooden box."

An uncle of Mr. Suárez's, Edgar Trejo, said the family had been struggling not only to understand how the musician ended up in a faraway prison, but also the turn of events in "a country as organized and as just" as the United States.

Once upon a time, said Mr. Trejo, a pastor in Caracas, he believed that the United States was "God's policeman on earth."

In Caracas, the family had become accustomed to people being carted away with no trial.

Now, he said, "what we have seen here," in Venezuela "we are also seeing there."

In Caracas, women protest the deportations to El Salvador. On sign reads: “Freedom for our kidnapped  
SONS.” Adriana Loureiro Fernandez for The New York Times

Research was contributed by Alain Delaqu  rie, Susan C. Beachy, Kirsten Noyes and Sheelagh McNeill.  
Reporting was contributed by Pascale Bonnefoy, Sheyla Urdaneta, Mitra Taj, Alan Feuer, Steven Rich, Jos    
Mar  a Le  n Cabrera, Annie Correal, Miriam Jordan, Luis Ferr  -Sadurn  , Ana Ley, Genevieve Glatzky and Sim  n  
Posada.

**Read by Julie Turkewitz**

Audio produced by Jack D’Isidoro.

**Julie Turkewitz** is the Andes Bureau Chief for The Times, based in Bogot  , Colombia, covering Colombia,  
Venezuela, Bolivia, Ecuador and Peru.

**Jazmine Ulloa** is a national politics reporter for The Times, covering the 2024 presidential campaign. She is  
based in Washington.

**Hamed Aleaziz** covers the Department of Homeland Security and immigration policy.

**Zolan Kanno-Youngs** is a White House correspondent for The Times, covering President Trump and his  
administration.

# EXHIBIT 15

ANNALS OF IMMIGRATION

# THE MAKEUP ARTIST DONALD TRUMP DEPORTED UNDER THE ALIEN ENEMIES ACT

*The President has invoked the law to send Venezuelans to prison in El Salvador without due process—  
and, in many cases, under false pretenses.*

**By Jonathan Blitzer**

March 31, 2025



Illustration by Anuj Shrestha





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Throughout the fall and winter, Alexis Romero de Hernández struggled to accept a grim new routine. She lived in a small town in central Venezuela called Capacho, with her husband and the younger of her two sons. Her eldest, a thirty-one-year-old makeup artist named Andry José Hernández Romero, was being held in an immigration jail in San Diego. He called her every few days, usually late in the afternoon, to reassure her that he was safe. The calls would last about a minute. Alexis had to put money on his calling card to keep them coming. “Mama, relax,” Andry would tell her. “I’m fine. They’re treating us well. What’s bad is that we’re stuck here.”

In Capacho, Andry was a member of a local theatre troupe, and he acted in an annual church procession during the Epiphany, which, in the Spanish-speaking world, is known as El Día de los Reyes Magos, or Three Kings Day. He loved to draw, and had a penchant for bringing aesthetic flourishes to every corner of his life. When he worked as a hotel receptionist for a time, he created balloon decorations in the lobby; at home, he designed costumes and clothes. He made friends easily but, Alexis said, didn’t drink or stay out late. Andry is “very, very humble and very, very open,” she told me, by phone. “He’s comfortable being alone. He cooks for me and helps clean. He’s a homebody.”

In 2023, Andry took a job at a state-run television station in Caracas, the country’s capital. It was an ideal job—he was responsible for prepping the show’s

anchors and guests for the screen, and his family, who have a shop that sells glass for mirrors and tables, needed the money. But he was gay and skeptical of the country's authoritarian regime, which made him a target for abuse. The year he spent in Caracas, Alexis told me, was one of "persecution and discrimination. People in high places always discriminate against those who are lower down. They humiliated him." At night, after work, he was often followed home and harassed by armed vigilantes aligned with the government; on one occasion, his boss at the station slapped him in front of his co-workers.

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When Andry told his parents that he'd decided to leave Venezuela, in late May of 2024, they begged him to stay. "At least see how things go with the elections," Alexis told him, referring to the country's Presidential race that August. "His father talked to him, too. But there was no way to convince him not to go." Andry's decision initially seemed prescient: the current President, Nicolás Maduro, who appeared to have lost the vote by an overwhelming margin, declared himself the winner. Andry was one of roughly seven hundred and sixty thousand Venezuelans who travelled to the United States during the Biden Administration, traversing an infamously dangerous jungle known as the Darién Gap, between Colombia and Panama. "He made the journey," Alexis said. "He wanted to change his life, to reach his potential, and to help us here."

The first time Andry tried to enter the U.S., he was arrested and sent to Tabasco, Mexico, where a friend helped him download a government app that allowed migrants to make appointments at ports of entry. The system, known as CBP One, was the Biden Administration's attempt to create a more orderly process for people to enter the country. Part of the premise was to incentivize migrants to come "the right way," though it often took months for slots to open up. On the morning of August 29th, a U.S. official interviewed Andry at the U.S.-Mexico border in San Diego. Andry had no criminal record, and the exchange seemed straightforward.

"Did you claim asylum while in Mexico?" the official asked.

"I didn't know I could do that," he replied.

Andry eventually passed his preliminary asylum screening. Officials determined that he demonstrated a "credible fear" of persecution in his home country. But during a physical exam, they had fixated on his tattoos. A snake extending from a bouquet of flowers covers his left forearm and biceps. On each of his wrists is a crown, with the words "Mom" and "Dad" inked next to them in English. The photographs in his file show a thin man, slight of build, with a youthful face and dark hair; there are rings under his eyes, and he is standing before the government photographer without a shirt.





Andry José Hernández Romero. Photograph courtesy Lindsay Toczylowski

Andry denied belonging to any gang. The agent, who asked him about the tattoos, described his “demeanor during interview” as “uncooperative.” A note was added to his file: “Upon conducting a review of detainee Hernandez’s tattoos it was found that detainee Hernandez has a crown on each one of his wrist. The crown has been found to be an identifier for a Tren de Aragua gang member.” These crowns, according to the government, were “determining factors to conclude reasonable suspicion.”

Often, asylum seekers who pass their initial screening are released with a future court date, but Andry remained in custody, apparently because of the government’s suspicions about his tattoos. In December, three months into his detention, he met Paulina Reyes, a lawyer from the Immigrant Defenders Law Center, a legal-advocacy organization, who agreed to represent him on a pro-bono basis. Reyes filed an asylum application on Andry’s behalf. They spoke regularly, both in person and on the phone, while waiting for a court appearance scheduled for March 13th.

About a week before the hearing, Andry and a number of other Venezuelans in San Diego were transferred to a facility in South Texas. Reyes, whom Immigration and Customs Enforcement (ICE) had neglected to inform, found this out when Andry called her from Texas. That was the last time the two of them spoke. During his March 13th hearing, in San Diego, Reyes thought he might appear on video. When he did not, the proceedings were postponed until March 17th. Reyes wasn’t able to speak with him, so she didn’t realize that, on Friday, March 14th, he’d managed to make one last phone call to his mother. He told her he was fine, but that the government was about to transfer him again. He had no information about his destination.



When Andry failed to appear at his second hearing, the immigration judge wanted to know why the government wasn't making him available. "He was removed to El Salvador," the ICE lawyer replied. "We just found out today." This surprised the judge, who was there to determine whether or not Andry should be deported. "How can he be removed to El Salvador," the judge asked, "if there's no removal order?"

On March 14th, Donald Trump had signed a proclamation declaring that his Administration would begin using vastly expanded Presidential powers under the Alien Enemies Act—a law from 1798 that had previously been invoked just three times, supplying the rationale for the U.S. government to target British nationals during the War of 1812, to intern Germans during the First World War, and to intern Japanese, German, and Italian immigrants during the Second. The law allows the President to detain and deport immigrants living lawfully in the U.S. if they are from countries considered "enemies" of the government. In this case, Trump claimed that the Venezuelan gang Tren de Aragua, operating "in conjunction" with elements of the Maduro government, had "infiltrated the United States" and was "conducting irregular warfare."

The White House didn't make the proclamation public for another day. In the meantime, the government was secretly putting Venezuelans who were in federal custody on planes, readying them for deportation. Andry was one of them; there were two hundred and thirty-seven others who, like him, were accused of belonging to the gang. The vast majority were involved in pending immigration cases but were not given an opportunity to contest the alleged evidence against them. A high-ranking ICE official later acknowledged that many of these men had no criminal records in the U.S. but insisted that the absence of such a history "actually highlights the risk they pose."

El Salvador is a conspicuously punitive destination. The country's President, Nayib Bukele, has suspended parts of the country's constitution and, during the

past three years, jailed more than eighty thousand alleged gang members without clear charges. In February, after a meeting in San Salvador with Marco Rubio, the U.S. Secretary of State, Bukele offered to house immigrants who'd been arrested on American soil in his newly built prison, which is called the Terrorism Confinement Center. "We have offered the United States of America the opportunity to outsource part of its prison system," Bukele wrote on X. "The fee would be relatively low for the U.S. but significant for us, making our entire prison system sustainable."

On the day that Trump signed the order, Lee Gelernt, a veteran litigator with the American Civil Liberties Union who specializes in immigrants' rights, was in a courtroom in Washington, D.C., arguing a case about another controversial decision recently made by the Administration. In February, the President had sent a hundred and seventy-eight Venezuelan men from U.S. detention to the military compound at Guantánamo Bay, Cuba. After the A.C.L.U. brought a legal challenge, the Department of Homeland Security deported the men to Venezuela, evidently to avoid a court fight over their access to legal representation. But the government said that it planned to send more migrants to Guantánamo. Gelernt was trying to insure that they'd have access to lawyers. In the hours before the hearing, he'd also been monitoring early news reports that the President was preparing to invoke the Alien Enemies Act to deport more Venezuelan migrants.

As soon as the hearing ended, Gelernt rushed back to his hotel, where he worked through the night with his A.C.L.U. colleagues to prepare an emergency lawsuit. The idea was to prevent the government from deporting anyone under the Alien Enemies Act while the case could be argued in court. "If people already had final orders of removal, the government doesn't need the Alien Enemies Act," Gelernt told me. "Using the Alien Enemies Act is all about short-circuiting the immigration process, not only to eliminate hearings in immigration court but to be able to send them wherever the government wants."

Through a national network of immigration attorneys, the team identified five plaintiffs who fit the profile of those at the greatest risk of being summarily deported to El Salvador: they were Venezuelan men in federal custody who had open immigration cases and had recently been transferred to a detention facility in Texas. The lawyers took down affidavits from the plaintiffs' immigration attorneys—the men themselves were unreachable—and crafted an argument to protect a wider class of migrants in custody. The A.C.L.U. filed its brief sometime after two in the morning on March 15th—a Saturday. Within hours, a federal judge in Washington, D.C., had issued a temporary restraining order to block the deportation of the five plaintiffs, who, it turned out, had already been taken to the airport. Four of them had to be pulled off the planes on the tarmac. The other passengers were left to wait on the aircraft for several hours more.

The judge, James Boasberg, a former prosecutor who'd been appointed to his current position by Barack Obama and to a prior judgeship by George W. Bush, scheduled a hearing on Zoom for five o'clock that afternoon. About an hour before it was set to begin, the White House announced its invocation of the Alien Enemies Act. At the hearing, Boasberg asked the government lawyer, "Are imminent deportations and removals under this proclamation planned?" According to a transcript of the proceedings, the lawyer responded, "Your Honor, I don't know the answer to that question." Boasberg turned to Gelernt, who said, "I recognize it's Saturday, but, on the other hand, the government appears to be moving planes very rapidly to El Salvador with hundreds of people. So we hope that, in the next five minutes, counsel for the government can get an answer to that." Boasberg gave the government forty minutes.

During that time, according to an analysis by the *Washington Post*, two planes full of migrants left Texas for Honduras. Either the government lawyer was unaware of these departures or he feigned ignorance, because when Boasberg reconvened the hearing at six o'clock the attorney still couldn't provide any information. "I am still trying to get additional details," he said.

At a quarter to seven, Boasberg issued a ruling to extend his temporary restraining order to anyone in federal custody, which meant that, until further notice, the Trump Administration could deport people under federal immigration laws but not under the Alien Enemies Act. “Particularly given the plaintiff’s information unrebutted by the government that flights are actively departing and plan to depart, I do not believe that I am able to wait any longer,” Boasberg said. He instructed the government’s lawyer “that any plane containing these folks that is going to take off or is in the air needs to be returned to the United States.” He added, “However that’s accomplished . . . I leave to you. But this is something that you need to make sure is complied with immediately.”

The judge’s verbal order was entered into the written record at 7:26 p.m. Shortly after that, the two planes that had left Texas during the adjournment arrived in Honduras, and a third took off from Texas. Within a few hours, each of those planes departed Honduras for El Salvador: one at 11:39 p.m., another at 11:43 p.m., and the last at 12:39 a.m. Just before eight o’clock on the morning of March 16th, Bukele posted a New York *Post* article about Boasberg’s order, adding in a comment, “Oopsie . . . Too late.” Rubio retweeted Bukele’s sarcastic post. Bukele soon began releasing footage of Salvadoran soldiers swarming the migrants as they got off the planes. Videos showed the men looking stunned, as their heads were shaved and they were frog-marched into prison.

Several hours later, Nelson, a thirty-five-year-old from Venezuela, who works as a truck driver in North Carolina, spotted his younger brother, Arturo, in a photograph of the detained men dressed in prison whites and crouching in rows with their heads bowed. (Nelson’s last name has been withheld for his protection.) He couldn’t see Arturo’s face, but he didn’t have to: Nelson spotted a hummingbird tattoo on his neck. Beyond that, he told me, “We don’t have any signs that my brother’s even still alive.” Arturo’s case was first reported by *Mother Jones*, but Nelson and I met through another Venezuelan in the U.S., whose cousin had been deported. She was too scared to talk to a journalist. “We can’t give an

interview because his life is at risk in Venezuela, and we're in danger here," she texted. "*Este señor*"—Trump—"is even threatening the lawyers who defend immigrants."

Arturo is a singer who worked landscaping jobs in the U.S. He left Venezuela in 2016, living in Colombia and then Chile with his wife, who, three months ago, gave birth to their daughter. As part of his application for temporary protected status in the U.S., which would have theoretically shielded him from deportation and granted him work authorization, he was supposed to have an appointment with D.H.S. on February 12th to get fingerprinted. But, on February 8th, he was arrested at a house where he was shooting a music video. In Nelson's telling, ICE officers turned up looking for someone else but took Arturo into custody as a "collateral arrest."

The family didn't have the money to retain a lawyer, and Nelson was told he couldn't raise bond. Still, Nelson managed to secure documentation from each of the countries where his brother had lived, demonstrating that he didn't have a criminal history. When I asked Nelson whether he thought Arturo's tattoos were the reason for his deportation to El Salvador, he told me, "I imagine it has to be. He hasn't even gotten a speeding ticket in the U.S., which is how they normally get Latinos. I just don't even understand how there's evidence to categorize him as a criminal."

Other family members learned of their relatives' deportations the same way that Nelson had—from the footage released by Bukele. As the *Washington Post* reported, Mervin Yamarte, a twenty-nine-year-old father from Maracaibo, who had worked as a roofer in Venezuela, had called his mother in mid-March saying he would see her soon: after being arrested, he and three of his friends from home, who were living together in Dallas, had agreed to sign deportation orders, expecting to be returned to Venezuela. When his mother recognized him in a video posted by Bukele, she told the *Post*, "I couldn't speak." The father of Carlos



Daniel Terán, an eighteen-year-old Venezuelan who was first arrested in January, shared with NPR a series of text messages he had exchanged with his son on the eve of Carlos's deportation. "With God's help, we are leaving today," Carlos had said, assuming that he was being deported home. "God bless you, son," his father replied. A few days later, someone sent him a photo of his son in the Salvadoran prison. Other relatives panicked when they hadn't heard from the men but could not find them in the U.S. government's searchable database of people in immigration detention. The wife of Franco Caraballo, a twenty-six-year-old, told Reuters, "I've never seen him without hair, so I haven't recognized him in the photos," adding, "I just suspect he's there because of the tattoos that he has and right now any Venezuelan man with tattoos is assumed to be a gang member."

The Trump Administration has denied the Venezuelans a chance to respond to the government's allegations of gang membership, but the most obvious through line, in each case, appears to be their tattoos. As part of the White House's effort to invoke the Alien Enemies Act, ICE officers received a document called the "Alien Enemy Validation Guide," which provided a point system based on different categories of incriminating behavior or associations. If an immigrant in custody scored six points or higher, according to the rubric, he "may be validated" as a gang member. Tattoos, which fall under the "Symbolism" category, constitute four points; social-media posts "displaying" gang symbols are two points. Using "open source material," agents at the investigative arm of ICE compiled photos of tattoos considered suspicious: crowns, stars, the Michael Jordan Jumpman logo. Jerce Reyes Barrios, a thirty-six-year-old soccer player and youth coach, fled Venezuela last year after marching in anti-government protests. His immigration file cites two grounds for suspicion: a gesture he made while posing for a photo that was posted to social media and a tattoo of a crown on top of a soccer ball with a rosary and the word "*Dios*." His lawyer, Linette Tobin, worked with his family to secure documents from the police in Venezuela to show that he hadn't committed any crimes. They also tracked down Barrios's tattoo artist. "He wanted a tattoo related to soccer," the artist said in a legal declaration. "We searched on

the internet and the ball with a crown caught our attention to represent the king of soccer, and he liked the idea.”

In the aftermath of the deportations, someone took photographs of Tobin’s court filing and posted them on social media, where they soon went viral. Critics of Trump shared them as evidence that innocent people were being sent to “rot in prison” in El Salvador, while the President’s defenders shared photos of Tobin, deriding the affidavit she gave as a “hoax.” “I looked at my phone, and I saw the calls and the emails. I was seriously horrified,” she told me. Right-wing groups were singling her out for harassment, but she was more upset about her client, whose personal information was now being widely circulated.

Andrés Antillano, a criminology professor at the Central University of Venezuela, has spent much of his career studying Tren de Aragua. “This is the first time I’ve ever encountered any reference to the significance of tattoos,” he told me. He called the thinking “absurd” and “naïve.” Tattoos were typically associated with Central American gangs that built their identities around holding specific territory, he said, but “it’s been a long time since that sort of thing would apply to Tren de Aragua.” In fact, the guidance ICE provided to its officers for identifying members of Tren de Aragua seems to be based on the operations of the Salvadoran gang MS-13. It flags graffiti, hand signs, and tattoos—all hallmarks of MS-13, but “irrelevant” to how Tren de Aragua functions, Antillano said.

Ronna Rísquez, a Venezuelan journalist who’s reported extensively on criminal groups in Venezuela, published the definitive book on Tren de Aragua. “The truth is that a tattoo identifying Tren de Aragua does not exist,” she told me. “Tren de Aragua does not use any tattoos as a form of gang identification; no Venezuelan gang does.” In Rísquez’s view, tattoos are a completely unreliable indicator of someone’s criminal proclivities; rather, they reflect contemporary fashions and socioeconomic class. “Most young people in Latin America these days have tattoos,” she said. Often, they imitate those of celebrities: a watch in reference to the Argentinean soccer legend Lionel Messi, the phrase “real hasta la muerte,” in

homage to the Puerto Rican singer Anuel AA. (Both of these symbols appear in the ICE documents.) Rísquez went on, “People get a tattoo because it means something particular to them.”

Andry’s tattoos have an immediate significance to the people in Capacho. For a hundred and eight years, the town has held a special festival for the celebration of Three Kings Day, replete with elaborate theatrical acts, sets, costumes, and casts of dozens. The holiday is observed widely across Venezuela (and indeed throughout much of the Christian world), but the production in Capacho is legendary in the country and has been awarded distinguished status as a national *patrimonio*, or heritage. “This work represents for the community of Capacho the greatest cultural expression of street theatre,” Jorge Cárdenas, a leader of the Foundation of Reyes Magos of Capacho, told me earlier this week. “To speak of Capacho is to speak of the Reyes Magos.”

Cárdenas has known Andry since he was a boy, when Andry participated in the festival’s program for children. When we spoke, Cárdenas described Andry’s contributions to local theatre, including all of his roles in the festival itself, before leaving me a series of messages brimming with literary and religious detail. Andry was one of the thirteen main actors in the show, a makeup stylist for the others, and the costume designer for nearly two dozen dancers. One of the principal symbols of Three Kings Day is a crown. “Andry is a great lover of the festival, and the two crowns on his wrists are a tribute to his passion for it,” Cárdenas said.

During the past week, several of Andry’s friends—some in the U.S., others in Venezuela—urged me to watch footage of Andry at the festival, which is on YouTube. There was something painfully desperate in their insistence, as if seeing images of Andry for myself would help correct an otherwise stunning cultural misunderstanding.

One morning, a childhood friend of Andry's named Alejandro, who currently lives in the state of Georgia, where he works as a food deliveryman, spoke to me during his shift. Alejandro came to the U.S. at the end of 2023, shortly after the death of his father, who owned a bus company. He had spent a few years in Venezuela as a taxi driver but eventually abandoned the job because he had to pay too much of his meagre wages to local criminal groups as protection money, a tax known as a *vacuna*, or vaccine. The irony wasn't lost on him that he was now living in a country where he could be accused of gangsterism. "They're taking everyone now," he told me. "It doesn't matter if you have papers or not." He lives in an apartment with his brother-in-law and two others from Capacho. One of them, in a nod to their home town, also has a tattoo of a crown.

Judge Boasberg called a hearing on March 17th to determine whether the Trump Administration had deliberately flouted his earlier order. If so, it meant that the White House was choosing to ignore the Constitution's foundational system of checks and balances—and challenging the judiciary to do something about it. By then, the Justice Department had unsuccessfully asked a higher court to remove Boasberg from the case. In the courtroom, Boasberg explained to the Administration's lawyers that he wanted to "perform fact finding." When did the planes leave for El Salvador? How many people were on each one? When were the migrants transferred into the custody of the Salvadoran authorities? "I'm not at liberty to disclose anything about any flights," one of the Administration's lawyers said. Trump's legal team then struggled to explain why they couldn't say more. "If you tell me it's classified, then we will go down to a classified facility in this building, and you can give me that information then," Boasberg said. "If what you are saying is that it's classified and you can't tell me, then you are going to need to make a good showing as to why that is."

The government lawyer said that he could "consult with the clients on that, but we don't believe it's necessary." Gelernt told the judge, "There's been a lot of talk

over the last seven weeks about constitutional crisis. People are throwing that term around. I think we are getting very close to it.”

Within a day, Trump began attacking Boasberg on Truth Social. “This Radical Left Lunatic of a Judge, a troublemaker and agitator who was sadly appointed by Barack Hussein Obama, was not elected President,” he wrote. “I’m just doing what the VOTERS wanted me to do. This judge, like many of the Crooked Judges’ I am forced to appear before, should be IMPEACHED!!!” In response to the President, Chief Justice John Roberts issued a rare rebuke, saying, “For more than two centuries, it has been established that impeachment is not an appropriate response to disagreement concerning a judicial decision.”

Soon, Attorney General Pam Bondi’s name began to appear on an increasingly aggressive series of filings. One of them called the judge’s requests for information “a picayune dispute over the micromanagement of immaterial factfinding.” The Administration claims that it did not violate the judge’s order, because two of the three deportation flights had already left the United States when Boasberg made his ruling. According to federal officials, the Venezuelans on the third plane weren’t removed solely on the basis of the Alien Enemies Act. But that assertion raises another question: if they were deported under regular immigration procedures, why would they be sent to El Salvador without prior warning? Early last week, the Justice Department invoked the “state-secrets privilege,” claiming that sharing even minimal details about the deportation flights “would pose reasonable danger to national security and foreign affairs.”

Gelernt was the lead litigator in some of the highest-profile lawsuits of Trump’s first term, including successful challenges to the initial Muslim ban and the Administration’s family-separation policy. He pointed out that the last time Roberts rebuked the President was in 2018, when, in another case brought by Gelernt and the A.C.L.U., a federal judge blocked a Trump proclamation ending asylum at the border. Trump lambasted him as an “Obama judge.” The echoes were unmistakable, yet they also reinforced the fact that the Administration has



only become more combative since Trump's first term. "They're much more intent on picking a fight with the federal judiciary," Gelernt told me. "It appears to me that they think that's a winning political issue for them." He continued, "The stridency of their positions is what's catching me, the unwillingness to give at all. What also seems clear is that the D.O.J. lawyers do not have authorization to make any concessions in court."

On March 26th, a federal appeals court upheld Boasberg's temporary restraining order. One of the judges, Patricia Millett, had expressed disbelief that Venezuelans were being sent to El Salvador without any notice or opportunity to mount a legal defense. "Nazis got better treatment under the Alien Enemies Act," she said. The Justice Department filed an emergency petition before the Supreme Court. In the meantime, Trump's Secretary of Homeland Security, Kristi Noem, who has publicly called undocumented immigrants "dirtbags," visited the Salvadoran facility. Standing in front of a cell crammed with prisoners who appeared to be Salvadorans, covered in MS-13 tattoos, she said, "This facility is one of the tools in our tool kit that we will use if you commit crimes against the American people."

Andry's American lawyers are caught in something of a paradox. They're vocal about sharing the details of his disappearance, because, if he fades from the news, his situation may grow even more dire. Yet Andry is also an asylum seeker. Disclosing the full identity of someone fleeing persecution is inherently risky. One evening, while I was talking with one of his attorneys, Lindsay Toczyłowski, the president of the Immigrant Defenders Law Center, CBS News published the full list of the two hundred and thirty-eight Venezuelans deported to El Salvador. "I had spent nights looking at his Instagram pictures, thinking, *How can something like this happen to him?*" she told me. "But at the same time I felt like we couldn't share that information. When the list was published, it was inevitable that those pictures would be out there."

Toczyłowski and her colleagues had debated whether disclosing that Andry was gay would make him a target inside the Salvadoran prison. They decided it was pointless to try to hide it, and that maybe it would make the public more sympathetic to his case. Ordinarily, this would be a conversation they could have had with Andry. Under the circumstances, all they could do was discuss it with his mother. She told them, “Do absolutely everything you can to get him out of there.”

On March 21st, Time published a report, by Philip Holsinger, an American photojournalist, who gained access to the Salvadoran prison when the Venezuelans first arrived. In the story, he described someone roughly resembling Andry. “One young man sobbed when a guard pushed him to the floor,” Holsinger wrote. “He said, ‘I’m not a gang member. I’m gay. I’m a barber.’ ” The description went on: he “began to whimper, folding his hands in prayer. . . . He was slapped. The man asked for his mother, then buried his face in his chained hands and cried as he was slapped again.”

On social media, people connected this account with the photos that Toczyłowski had shared of Andry. Toczyłowski told me that it seemed unlikely Andry would have described himself as a barber. But was it possible that, in addition to a gay makeup artist, the Trump Administration had just deported a gay hairdresser? One user on X posted a photo of Andry alongside a photo taken by Holsinger of a Venezuelan prisoner getting his head shaved. “The first photo is of a young Venezuelan named Andrys—a twenty-three-year-old gay makeup artist,” the person wrote. (Andry is thirty-one.) A spokesperson for the Department of Homeland Security quoted the post and responded, “No. DHS intelligence assessments go well beyond just gang affiliate tattoos. This man’s own social media indicates he is a member of Tren de Aragua.”

The residents of Capacho have been holding regular vigils for Andry, and they’ve recorded videos of spirited pleas to release him. Cárdenas, the head of the Three Kings festival, begged Bukele directly, calling Andry a “great talent of our town.”

At the gatherings, many people turned out wearing costumes from the festival. Andry's full name is ubiquitous in the Spanish-language coverage. Online, there are already dozens of photos, not just of him but of his old neighbors and friends filling the streets before the local church. In one of them, Andry's mother and father are standing next to three men in festival garb, holding signs for Conscience, Justice, and Liberty. On each of their heads is a crown. ♦

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*Jonathan Blitzer is a staff writer at The New Yorker. His first book, "Everyone Who Is Gone Is Here," was published in January, 2024.*

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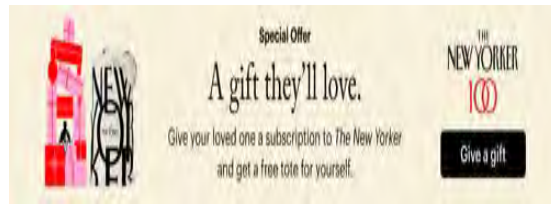
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# EXHIBIT 16

# PERSPECTIVES; Most deportees had no criminal record in U.S.; Records cast doubt on White House claim that only violent men were sent to El Salvador

[ProQuest document link](#)

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## FULL TEXT

Trump administration officials have described the men deported to El Salvador prisons last month as "the worst of the worst," suggesting they were gang members involved in murder, rape and kidnapping.

The reality is that of 238 migrants -- mostly Venezuelan -- whom officials accused of belonging to the Tren de Aragua gang and expelled to the Central American country in mid-March, just a small fraction had ever been charged with serious crimes in the U.S.

Hundreds of pages of U.S. legal records and American government statements reviewed by Bloomberg News found five men charged with or convicted of felony assault or firearms violations. Three men were charged with misdemeanors including harassment and petty theft. Two were charged with human smuggling.

For the rest of the men, there was no available information showing they committed any crime other than traffic or immigration violations in the U.S.

The findings raise questions about how the Trump administration determined that the migrants sent to El Salvador were violent criminals. The U.S. maintains that all of the Venezuelans on the flights had committed a crime because they were in the country illegally, a senior official with the Department of Homeland Security said in an email. The official said many of the men who lacked U.S. records were nonetheless terrorists, human rights abusers or gangsters. Many of the men allegedly associated with Tren de Aragua were deported under the rarely used Alien Enemies Act of 1798 without court review.

A U.S. judge ordered the administration to stop, but on Monday, the Supreme Court said the administration can seek to resume deportations under the act if migrants are given notice and a chance to make their case to a judge.

Media reports in the Washington Post and elsewhere have cast doubt on the White House's portrayals of the men as criminals, and lawyers have said that some individuals were identified as gang members based on the types of clothing they were wearing or tattoos they had.

A CBS News investigation found that three-fourths of the men sent to El Salvador couldn't be connected with a U.S. or international criminal record. Now, Bloomberg's review of U.S. court cases and government statements show there's very little publicly available documentation to support the notion that only violent offenders were sent away.

The administration has acknowledged in court that not all the men have criminal records but says it's only further evidence of the threat they pose.

"It demonstrates that they are terrorists with regard to whom we lack a complete profile," Robert Cerna, the acting field office director of enforcement and removal operations for Immigration and Customs Enforcement, said in a legal filing in the battle over the deportations.

Bloomberg obtained a list of the passengers and examined their criminal histories by reviewing U.S. federal court records, media reports and public statements by government officials. The search also included state court dockets, though not all local courts make records available online. There were 13 court cases involving people with names that were similar to a deportee, though not an exact match; those weren't included in the final tally because the connection couldn't be confirmed.

The deportations are at the center of a high-stakes legal showdown that is testing the ability of federal judges to

enforce limits on the president's power. In its Monday opinion, the Supreme Court didn't rule on whether the administration's interpretation of the law was correct, but said it can resume using the law to try to deport alleged Venezuelan gang members. The court said detainees must have notice and a chance to make their case to a judge before they are deported.

U.S. deportations to El Salvador have received outsize attention in part because of Kilmar Abrego Garcia, a Maryland man who immigration officials conceded was wrongly expelled. He was part of a separate group of Salvadoran deportees who were accused of being part of a different gang, MS-13.

Andres Antillano, a professor at the Central University of Venezuela in Caracas who studies organized crime, says it is possible that some individuals affiliated with Tren de Aragua are in the U.S., but panic about an organized crime wave is overblown. He compared it with previous concerns about immigrants bringing in crime, likening it to anti-Italian bias in the 1940s and 1950s focused on alleged ties to the mafia, anti-Cuban sentiment amid Miami's drug wars of the 1980s and more recently stereotypes about Central Americans being involved with MS-13.

"Waves of migration have generated a lot of anxiety, and myths have emerged," Antillano said in an interview. The Trump administration is "criminalizing young Venezuelans, mostly from working-class groups."

Caption: PHOTO: AN IMAGE PROVIDED by the Salvadoran government shows prison guards moving men accused of gang ties to a detention center in Tecoluca, El Salvador.

PHOTOGRAPHER:El Salvador presidential press office

Credit: Bloomberg

## DETAILS

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